

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF MASSACHUSETTS

3 THE UNITED STATES OF AMERICA )  
4 )  
5 vs. ) CR No. 15-10037-IT  
6 )  
7 ROBERT RANG )

8  
9 BEFORE: THE HONORABLE JUDGE INDIRA TALWANI

10 DAY SIX OF JURY TRIAL (REDACTED)  
11

12 APPEARANCES:

13 OFFICE OF THE UNITED STATES ATTORNEY (By: David Tobin,  
14 AUSA, and Anne Paruti, AUSA), One Courthouse Way, Boston,  
15 Massachusetts 02210. On behalf of the Government.

16 SWOMLEY & TENNEN, LLP (By: Eric B. Tennen, Esq.), 50  
17 Congress Street, Boston, Massachusetts 02109. On Behalf  
18 of the Defendant.

19 John Joseph Moakley United States Courthouse  
20 Courtroom No. 8  
21 One Courthouse Way  
22 Boston, MA 02210  
23 Wednesday, July 5, 2017  
24 9:02 a.m.

25 Cheryl Dahlstrom, RMR, CRR  
Official Court Reporter  
John Joseph Moakley United States Courthouse  
One Courthouse Way, Room 3510  
Boston, MA 02210  
Mechanical Steno - Transcript by Computer

I N D E X

Testimony of:                      Direct   Cross   Redirect   Recross

M [REDACTED] A [REDACTED]

By Ms. Paruti

4

By Mr. Tennen

7

MINOR A

By Ms. Paruti

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By Mr. Tennen

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EKATERINA PIVOVAROVA

By Mr. Tennen

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P R O C E E D I N G S

THE COURT: Good morning. Is there anything that needs to be addressed before the jury comes in?

MR. TOBIN: No, your Honor.

THE COURT: Okay. So -- and your witness is just outside?

MS. PARUTI: She is just outside, your Honor.

THE COURT: You can have her come into the courtroom. We won't have her on the stand until they come in. But you can have her come on in, and you can get the jury. Thank you.

While we're waiting, just one question on the jury instructions. I've gotten something from the defendant. Are you going to be submitting something for the government?

MR. TOBIN: No, your Honor.

THE COURT: Okay. Thank you.

MR. TOBIN: Nothing additional.

THE COURT: After Ms. A [REDACTED], your last witness?

MS. PARUTI: Is *Minor A*.

THE COURT: Okay.

(The jury entered the courtroom at 9:06 a.m.)

THE COURT: Good morning.

THE JURY: Good morning.

THE COURT: If you want to call your witness back to the stand.

MS. PARUTI: Thank you. M [REDACTED] A [REDACTED], please.

1 THE COURT: Ms. A[REDACTED], it's been a long weekend, but  
2 you're still under oath.

3 THE WITNESS: Yup. Thank you.

4 MS. PARUTI: May I, your Honor?

5 THE COURT: Yes, you may.

6 MS. PARUTI: Thank you.

7 M[REDACTED] A[REDACTED], Previously Sworn

8 CONTINUED DIRECT EXAMINATION BY MS. PARUTI:

9 Q. Good morning, Ms. A[REDACTED]. If you could keep your voice up.  
09:08 10 It's hard to hear you right now, okay?

11 A. Okay.

12 Q. Thank you. I don't think it's magnifying.

13 We left off last week talking about some letters that  
14 the defendant, Robert Rang, had been sending to you while you  
15 were in jail; do you remember us talking about that?

16 A. Yes.

17 Q. Okay. And will you remind me, did you ever send any  
18 letters to Robert Rang in return?

19 A. Yes.

09:09 20 Q. Okay. Do you remember the specific dates of when you sent  
21 those?

22 A. No.

23 MS. PARUTI: May I approach, your Honor?

24 THE COURT: Yes, you may.

25 MS. PARUTI: Just for the record, I'm showing you

1 what's been premarked for identification Exhibit 19.

2 Q. On the front page, is that your handwriting?

3 A. Yes.

4 Q. There's no date there, correct?

5 A. Nope.

6 Q. And then this second one, is that dated September 13,  
7 2014?

8 A. Yes.

9 Q. Okay. Is that your handwriting?

09:09 10 A. Yes.

11 Q. And then this third one, is that dated October 14, 2014?

12 A. Yes.

13 Q. Is that your handwriting?

14 A. Yes.

15 Q. And this last one, was that dated December 1, 2014?

16 A. Yes.

17 Q. Is that your handwriting?

18 A. Yes.

19 Q. Okay. So would it be fair to say, Ms. A [REDACTED], that you sent  
09:10 20 Robert Rang letters on at least September 13, October 14th, and  
21 December 1st?

22 A. Yes.

23 Q. And one other occasion where you didn't note the date?

24 A. Yes.

25 Q. Now, you told us last week when you were testifying that

1 at some point you became aware that Robert Rang was being  
2 investigated for these crimes that we're here talking about, is  
3 that correct?

4 A. Yes.

5 Q. Now, you told us that around -- right after Thanksgiving,  
6 he came out to try to visit you, is that correct?

7 A. Yes.

8 Q. And at that point where were you in the prison system at  
9 that time?

09:10 10 A. I was in pre-release.

11 Q. Okay. And at that point after Thanksgiving of 2014, were  
12 you aware at that point that Robert Rang was being investigated  
13 for this offense?

14 A. Yes.

15 Q. Now, you sent him a letter, at least one letter, after  
16 that point. Is there some reason why you continued to write to  
17 him even after you knew he was being investigated for  
18 communicating sexually with your son?

19 A. I was told to act normal and not give away any indication  
09:11 20 of the investigation.

21 Q. Okay. And so is that what you did?

22 A. Yes.

23 Q. At any point did you tell Robert Rang that he was being  
24 investigated for the crimes that we're here about today?

25 A. No.

1 MS. PARUTI: No further questions at this point.

2 THE COURT: Any cross?

3 CROSS-EXAMINATION BY MR. TENNEN:

4 Q. Good morning, Ms. A [REDACTED].

5 A. Good morning.

6 Q. Prior to you going to jail, you had communicated with  
7 Robert on the phone and on the internet, right?

8 A. Yes.

9 Q. And prior to you going to jail, you were aware that he and  
09:12 10 *Minor A* would play games on PlayStation, right?

11 A. Yes.

12 Q. And, again, prior to you going to jail, you were aware  
13 that at one point, maybe more than one point, Robert had sent  
14 *Minor A* gift cards so he could buy some games on PlayStation or  
15 things like that, right?

16 A. Yes.

17 Q. And your first contact with Robert was sometime in March  
18 of 2014; does that sound about right?

19 A. Yes.

09:12 20 Q. And so between March of 2014, let's say, through September  
21 when you went to jail, that's a time period in which you  
22 communicated with him on phone and on internet, right?

23 A. Yes.

24 Q. After you went to jail, you communicated through letters,  
25 right?

1 A. Yes.

2 Q. And when you communicated with him on the phone -- so this  
3 is now prior to you going to jail -- would you call from your  
4 cell phone?

5 A. I did not call the defendant, to my knowledge. I believe  
6 he would call my cell phone, yes.

7 Q. He would call your cell phone?

8 A. Yes.

9 Q. What about the house phone, would he call the house phone?

09:13 10 A. That I was told, yes.

11 Q. Okay. Other than you being told, during that time period,  
12 did you know whether he would call the house phone?

13 A. I've seen it on the caller ID, but I don't recall actually  
14 speaking to him any specific times on the house phone.

15 Q. You don't recall yourself speaking to him on the house  
16 phone?

17 A. No.

18 Q. Okay. Do you know if anyone else from your house called  
19 him from the house phone?

09:14 20 A. I'm not sure.

21 Q. Okay. Did you ever talk to *Minor A* about that?

22 A. A little bit, I believe.

23 Q. Okay. Now, at some point prior to you going to jail,  
24 *Minor A's* father blocked Robert from *Minor A's* Facebook, right?

25 A. Yes.



1 Q. So you didn't do that; his father did, right?

2 A. Yes.

3 Q. And remind me again. I'm sorry. His father's name?

4 A. Nick.

5 Q. Nick, okay.

6 At one point during a Facebook conversation with  
7 Robert, the one that you were showed on Friday -- remember the  
8 conversation that you were asked some questions about?

9 A. Yes.

09:14 10 Q. You know what -- I'll just show you real quick. I'm  
11 showing you a page from Exhibit 16. That conversation.

12 A. It's not coming up on my computer.

13 Q. I'm sorry.

14 MR. TENNEN: Can the --

15 A. Yes.

16 Q. So at some point in that conversation Robert asked you  
17 about that, about being blocked from *Minor A's* account, and you  
18 explained to him it was *Minor A's* father, right?

19 A. Yes.

09:15 20 Q. Did you speak -- did you ever speak with *Minor A's* father  
21 about Robert?

22 A. Yes.

23 Q. Did you know that he was going to block Robert from *Minor*  
24 *A's* Facebook?

25 A. Yes.

1 Q. When do you recall that happening?

2 A. I don't remember a specific date.

3 Q. Certainly before that conversation happened, right?

4 A. I'm pretty sure right -- pretty much right around, like,  
5 when we discussed -- we found out he was talking to him --  
6 reaching out on Facebook.

7 Q. Right around the time of this conversation is when that  
8 occurred?

9 A. Yes, before.

09:16 10 Q. Now, around that time, maybe a little before, maybe a  
11 little after, you began to talk to Robert about yourself going  
12 to jail, right?

13 A. Yes.

14 Q. And you didn't have to tell him that; you chose to tell  
15 him that, right?

16 A. Yes.

17 Q. And you gave him the address at jail for him to  
18 communicate with you, right?

19 A. Yup.

09:16 20 Q. And you even told him how to send you money if he was so  
21 inclined, right?

22 A. Yes.

23 Q. And you were happy to have someone send you money at jail,  
24 right?

25 A. Yup.

1 Q. It was a hard time for your family. People weren't really  
2 able to do that for you, right?

3 A. Yup.

4 Q. Okay. And, again, before you went to jail, in that  
5 conversation we talked about, you asked Robert for his phone  
6 number, right?

7 A. I don't recall if I asked or --

8 Q. Okay.

9 A. I think he asked me if I would call him.

09:17 10 Q. Okay. From jail?

11 A. Yes.

12 Q. All right. You were asked a little bit about this, but I  
13 just want to explain this a little more in terms of phone calls  
14 at jail, how they work. At least in Framingham, in order for  
15 you to call somebody, the prison has to approve the phone  
16 number, right?

17 A. Yes.

18 Q. You have to give them a list of the name and the number  
19 and then the relationship of that person, right?

09:17 20 A. Yes.

21 Q. Then it takes them some time to approve it, I guess,  
22 right?

23 A. Yes.

24 Q. And then you're able to make basically collect calls to  
25 that person, right?

1 A. Yes.

2 Q. Sometimes it can be prepaid, right? If you pay for it,  
3 you can call, but it's still kind of like a collect call,  
4 right?

5 A. Yes.

6 Q. The person has to accept the phone call?

7 A. Yup.

8 Q. Okay. And you get to decide whose numbers you put on that  
9 list, right?

09:18 10 A. Yes.

11 Q. And you also -- are you limited? Is there a certain  
12 number of phone numbers that you can have?

13 A. I think it was, like, ten.

14 Q. So you can have up to ten but no more, right?

15 A. Yes.

16 Q. And you did put his phone number on your list, right?

17 A. Yes.

18 Q. When you first got there, you weren't actually able to put  
19 numbers on your list right away, right?

09:18 20 A. You could do it right away.

21 Q. I'm sorry?

22 A. You can put numbers on your list right away.

23 Q. Okay. But there was still some phone numbers you didn't  
24 have that you were waiting to get from your mom to add to your  
25 list, right?

1 A. I pre-wrote down, like, numbers and stuff and had them  
2 mail it to me.

3 Q. Okay. Do you remember writing to Robert at some point  
4 that you weren't able to put his name on the list yet because  
5 you were waiting for your mom to send you the information?

6 A. Yes. She had to mail it out for me.

7 Q. Okay. Meaning she had to mail you his name and phone  
8 number for you to put on your list, right?

9 A. She had to mail the letter that I had written to myself.

09:19 10 Like, it was already -- I wrote down what I needed for my  
11 information, and I had to -- because she's not very good --

12 Q. You forgot to bring that with you?

13 A. You can't bring anything with you. I left it for her,  
14 just told her, when I leave, throw this in the mailbox for me.

15 Q. You couldn't actually put the phone numbers in until you  
16 got that list a little bit after you went to jail, right?

17 A. Yeah. It didn't take long.

18 Q. At some point during your conversations with Robert, he  
19 began talking about maybe coming to visit you in June, right?

09:19 20 Do you remember that?

21 A. He had mentioned, yes.

22 Q. He had mentioned? I'm sorry?

23 A. Do you mean to the prison or do you mean --

24 Q. No, not in the prison, to come visit you when you were out  
25 of prison, right?

1 A. He had mentioned that he was going to the Cape and he'd  
2 like to meet up while he was out there.

3 Q. Okay. And you -- the way he communicated was he wanted to  
4 go out there and meet you and *Minor A*, right?

5 A. He would like to meet us while he was out there, yes.

6 Q. And spend time together with the two of you, right?

7 A. And A [REDACTED], yes.

8 Q. And you never told him you didn't want to do that, right?

9 A. I just didn't respond at all to it really.

09:20 10 Q. Well, do you remember in that Facebook conversation  
11 actually talking, for example, about the kinds of things that  
12 you might be able to do, things that were close by, like water  
13 park?

14 A. He asked what was out there to do, and I gave him the  
15 information, yes.

16 Q. You talked about there was a water park near your house,  
17 right?

18 A. Yes.

19 Q. In relation to things you could do when he came out to  
09:20 20 visit in June, right?

21 A. Yup.

22 Q. You even talked about which hotels were close to your  
23 house out there, right? Not your house but wherever he was  
24 going to be, right?

25 A. Yes.

1 Q. You said one and he said, Well, I found a different one,  
2 right?

3 A. Yes.

4 Q. And then in that same conversation he actually told you  
5 that he had booked a room at one of these hotels, right?

6 A. Yes.

7 Q. And, again, at that point you didn't tell him, Hey, I  
8 don't want to do this? I don't want to see you when you come  
9 out here, right? You never said that to him, right?

09:21 10 A. No.

11 Q. And while you were in prison, he -- sorry.

12 While you were in jail, he talked about visiting you  
13 in the letters that he wrote also, right?

14 A. Yes.

15 Q. And you even responded a little bit to those about it,  
16 right, about just not sure when you were getting out, that kind  
17 of thing?

18 A. Yeah.

19 Q. And in addition to talking about visiting you in June, he  
09:21 20 also talked about, again, sort of in the writings, about maybe  
21 picking you up when you were released, right?

22 A. Yes.

23 Q. You weren't sure which day you were getting released,  
24 right? So you conveyed that to him, right?

25 A. That's what I told him, yes.

1 Q. Were you sure when you were getting released?

2 A. Yes.

3 Q. When did you know that?

4 A. I knew as soon as I got sentenced when I would be getting  
5 out.

6 Q. But in the communications with him, you never told him,  
7 Hey, I don't want you to pick me up, right?

8 A. No.

9 Q. Now, in terms of the letters between the two of you while  
09:22 10 you were in jail, you were just shown four letters that you  
11 wrote to him, right?

12 A. Yes.

13 Q. And then on Friday you were shown a couple of letters that  
14 he wrote to you, right?

15 A. Yes.

16 Q. There were more than those letters. That was just a  
17 sample of some of the letters that he wrote to you, right?

18 A. Yes.

19 Q. And just between, let's say, September, when you first  
09:23 20 went, and, like, November, he wrote approximately, let's say,  
21 like, 10 or 11 letters to you, right, give or take a few?

22 A. I think there was a lot more than that.

23 Q. You think there was more than that?

24 A. Yes.

25 Q. In those letters he talked -- he wrote about some of the



1 things I just asked you, right, about visiting you in June,  
2 coming to pick you up when you got out, those kinds of things,  
3 right?

4 A. Yes.

5 Q. Now, I want to ask you some questions about -- actually,  
6 let me do this. In the four letters you were shown, one didn't  
7 have a date on it, right?

8 A. Yes.

9 Q. Right now, can you remember when you wrote that?

09:23 10 A. No.

11 MR. TENNEN: May I approach, your Honor?

12 THE COURT: Yes, you may.

13 Q. I'm just going to show you something in the letter. Just  
14 read it to yourself, okay, and then tell me if that helps you  
15 remember when you might have written it. I'm just going to  
16 show you right there.

17 I'm just going to show you that also. Just read it to  
18 yourself, okay?

19 A. (Witness complies). Okay.

09:24 20 Q. Okay. Does that help you remember approximately when you  
21 may have written this letter, not an exact date but just an  
22 approximation?

23 A. Not really.

24 Q. Fair to say you wrote that letter about at least three  
25 months after you had first went to the prison, right?

1 A. Yes.

2 Q. And when did you first go to the prison?

3 A. I forget which date.

4 Q. Middle of September, does that sound about right?

5 A. September, yes.

6 Q. So this letter, if it was three months later, would have  
7 been sometime in December, right?

8 A. Yes.

9 Q. And when you wrote him, do you remember writing him and  
09:25 10 asking him to send you pictures of your family and maybe some  
11 of your friends?

12 A. Yes.

13 Q. You asked him to basically go into your Facebook and look  
14 for those pictures and print them out for you, right?

15 A. Yes.

16 Q. You asked him to send pictures of your son, your daughter,  
17 and any other friend that he might choose for you, right?

18 A. Yes.

19 Q. You weren't able to bring those pictures in with you when  
09:26 20 you went to prison, right?

21 A. No.

22 Q. There was no one else -- no friends or family who were  
23 being very responsive to you, right, while you were in prison?

24 A. I wasn't talking -- I basically just talked to my parents.

25 Q. They were not able to do that for you, right?

1 A. No.

2 Q. You didn't even ask them?

3 A. They didn't know how.

4 Q. So you asked Robert to do that for you, right?

5 A. Yes.

6 Q. And in your letters to Robert, you would talk about how  
7 your -- let me start it this way: In his letters to you, he  
8 would sometimes write to you about issues or conflicts with  
9 other members of your family, like your grandmother, right?

09:26 10 Not your grandmother, your mother, right?

11 A. He would what? I'm sorry. Can you repeat that?

12 Q. Sure. That he, in some of his letters to you, would write  
13 to you about your mother not liking him, right?

14 A. Yes.

15 Q. You would respond to him about that, right? In the  
16 letters back to him, you would respond -- basically answer  
17 whatever questions he had about it, right?

18 A. Not that I specifically recall.

19 Q. Okay. Did you -- were you talking to your mother while  
09:27 20 you were in prison about Robert?

21 A. Not often.

22 Q. Okay. Sometimes?

23 A. Yeah.

24 Q. Okay. When, if you recall, would those conversations take  
25 place?

1 A. I don't remember when. Any time she, I guess, had a  
2 complaint.

3 Q. About him?

4 A. Yes.

5 Q. And some of that was before October 28th, right?

6 A. Yes.

7 Q. Okay. And then some of it was after, right, after you  
8 knew there was an investigation, right?

9 A. Yes.

09:28 10 Q. And in those letters, you also wrote Robert just about  
11 personal things that were going on while you were in prison,  
12 right?

13 A. Yes.

14 Q. Just about, you know, the day to day, some of the issues  
15 you were having, the highs and lows, that kind of stuff, right?

16 A. Yes.

17 Q. You even wrote to him about your sobriety, right?

18 A. Yes.

19 Q. Again, just to kind of keep him updated on things that  
09:28 20 were going on, right?

21 A. Yes.

22 Q. And that was in that letter that I just showed you that  
23 didn't have the date on it, right?

24 A. Yes.

25 Q. So that was one of the December letters you wrote about

1 your sobriety, right?

2 A. Well, I don't -- I know I got -- I stopped using before I  
3 went into prison, so I didn't think of that. I'm thinking now  
4 that I had time before I even went in because I was in a  
5 program so --

6 Q. I'm only asking, it's just something you were talking --

7 A. Going back and saying it's a December letter because I  
8 said three months. Like, I'm thinking now that doesn't  
9 pinpoint it for me.

09:29 10 Q. Okay. I'm not asking for an exact date. I'm just talking  
11 generally speaking.

12 A. Yes.

13 Q. The letter was probably sometime in December; that's all  
14 I'm saying, right?

15 A. I'm not sure about that. I don't think so.

16 Q. In that same letter you did tell him --

17 A. The Christmas stuff, yeah. I also talk about that. You  
18 have to order that way before December. That comes out as the  
19 winter package.

09:29 20 Q. But in that letter you also told him that you had been  
21 there, here, meaning the prison, for three months, right?

22 A. Yes.

23 Q. And so if you went in the middle of September --

24 A. I recall saying clean time for three months, right?

25 Q. Should I show you again to remind you?

1 A. Yeah, because I don't remember what's written in all these  
2 letters.

3 Q. Just this part right here, just read this to yourself.

4 A. (Witness complies). Okay.

5 Q. So, again, not an exact date, but you wrote this probably  
6 sometime after you had been in prison for three months, right?

7 A. Yeah.

8 Q. And that would have been sometime around the middle of  
9 December, right?

09:30 10 A. Yeah.

11 Q. Okay. And in the -- at least in the two letters from  
12 December, you continued to write Robert about sending you  
13 money, right?

14 A. Yes.

15 Q. And even stamps at some point, right?

16 A. You can't send stamps. He asked me to purchase stamps.

17 Q. So money to help you buy stamps so you could write  
18 letters, right?

19 A. Yes.

09:31 20 Q. I think you just mentioned, you know, you were writing him  
21 about Christmas plans, right?

22 A. Yes.

23 Q. And not being able to be home for the holidays with your  
24 kids, right?

25 A. Yes.

1 Q. That was something that was upsetting to you, obviously,  
2 right?

3 A. Yeah.

4 Q. And you were just writing to him about that, right?

5 A. Yup.

6 Q. Now, the investigators that came out to talk to you, that  
7 was sometime in the middle of November, right?

8 A. Yes.

9 Q. Again, doesn't have to be an exact date but, generally  
09:32 10 speaking, it was in November, right?

11 A. Uh-huh.

12 Q. And do you remember how many people -- how many there were  
13 that came to talk to you?

14 A. Two, I believe.

15 Q. Prior to them going there, did you have any notice that  
16 someone was going to come to talk to you?

17 A. No.

18 Q. So sort of a surprise to you when they showed up?

19 A. Yes.

09:32 20 Q. And, obviously, they told you what they were  
21 investigating, right?

22 A. Yes.

23 Q. And that was the first time that you had heard anything  
24 about this investigation, right?

25 A. Yes.

1 Q. So meaning you hadn't -- your mom hadn't mentioned  
2 anything about that, right?

3 A. She had mentioned -- she had told me that she had spoken  
4 to law enforcement, but I wasn't aware of how the investigation  
5 was -- like, I didn't know what was going on really.

6 Q. Okay, but -- I'm sorry. She told you that she had spoken  
7 to who?

8 A. She told me she had talked to our local police department.

9 Q. Police department. But no details about what they spoke  
09:33 10 about?

11 A. No, not --

12 Q. And you were able to talk to *Minor A* on the phone while  
13 you were in prison, right?

14 A. Yes.

15 Q. And he didn't mention anything about that either, right?

16 A. No.

17 Q. Okay. In fact, prior to either talking to your mom or the  
18 investigators coming to talk to you while you were in prison,  
19 you had no indication that there were any -- there was anything  
09:33 20 wrong or any problems with *Minor A* and his PlayStation, right?

21 A. No.

22 MS. PARUTI: Objection.

23 THE COURT: I'll allow it. Go ahead.

24 Q. Did you say no to that?

25 A. No.



1 Q. Okay. You said that the reason that you continued to  
2 write Robert after the investigators came to speak with you is  
3 because they told you to try and make things look normal or  
4 something like that?

5 A. My mother had talked to me and told me to just keep it  
6 normal.

7 Q. Okay. So it wasn't the law enforcement. It wasn't law  
8 enforcement that told you that?

9 A. No.

09:34 10 Q. Okay.

11 A. I mean, they -- I wasn't supposed to, like, let on to the  
12 investigation, talk about the investigation, but --

13 Q. When did your mother tell you that? When did you have  
14 that conversation with her?

15 A. I believe after she told me that they were going to be  
16 investigating further.

17 Q. Okay. So if you can remember, was that before or after  
18 the investigators came to talk to you at the prison?

19 A. I believe right after. I probably called her.

09:35 20 Q. Right after that?

21 A. Yeah.

22 Q. After they spoke to you, you then have a conversation with  
23 your mom, and she suggested to keep things looking normal?

24 A. Yes.

25 Q. And so you wrote two more letters after that time, right?

1 A. I don't -- I guess, yes.

2 Q. Do you recall if you wrote anymore other than the four  
3 that you were shown?

4 A. No.

5 Q. You don't remember or you didn't write anymore?

6 A. I don't remember if I wrote him.

7 Q. Okay.

8 MR. TENNEN: I don't have any other questions, but I  
9 would at this point, again, move to put these letters into  
09:35 10 evidence, your Honor.

11 THE COURT: Let me see you at sidebar.

12 MR. TENNEN: Sure.

13 (SIDEBAR CONFERENCE AS FOLLOWS:

14 THE COURT: And you're objecting to them because?

15 MS. PARUTI: Because I don't see how they're  
16 admissible for any reason besides a vehicle for inadmissible  
17 hearsay to come in.

18 THE COURT: What is the truth -- I don't have the  
19 letters in front of me, and I don't have them memorized. But  
09:36 20 what is the true statements in -- what are the statements that  
21 you're thinking he's trying to put it in for that you're  
22 suggesting that it's being offered for the truth?

23 MS. PARUTI: I think basically everything she's saying  
24 is being offered for the truth. I understand we talked before  
25 at sidebar the difference between -- if I can look at this for

1 a second. We're just looking at Exhibit 19.

2 Well, this part would be redacted, the beginning part  
3 anyway. But when she's talking about her feelings, when she's  
4 talking about her sobriety, frankly --

5 THE COURT: But -- I guess I don't really understand  
6 how the -- how they're being offered for the truth of it.  
7 Maybe I'm misunderstanding, but you're offering it --

8 MS. PARUTI: I think that counsel likely will get up  
9 later in closing and say M [REDACTED] A [REDACTED] really liked Robert Rang.  
09:37 10 She had feelings for Robert Rang.

11 THE COURT: No. I don't think --

12 MS. PARUTI: This is what she's writing, or she's  
13 leading him on.

14 THE COURT: That is not the truth of the matter. The  
15 notion of what impression he -- these letters gave Robert is  
16 not the truth of the matter. It's something that he's going to  
17 argue what Robert might be emotionally reacting to, et cetera.  
18 I think he may argue M [REDACTED] was not saying any of this stuff was  
19 true.

09:38 20 MR. TENNEN: Most of it -- well, I don't know whatever  
21 she said was or wasn't.

22 THE COURT: I think the argument is, when he is doing  
23 whatever he's doing, he's doing whatever he's doing thinking a  
24 set of facts that may have been completely wrong, but those are  
25 a set of facts. I don't see how it's offered -- I can instruct

1       them this is not being offered for any of -- the truth of any  
2       of the statements. It's being offered for the effect on the --

3               MS. PARUTTI: I think that's fine, I mean, with the  
4       objection noted. It sounds as if you're going to overrule the  
5       objection. I want to make sure that all redactions are made  
6       before it's published in any form to the jury.

7               MR. TENNEN: The only redaction I had suggested was on  
8       the first couple of sentences because she's basically  
9       responding to his letter about Pennsylvania. I think we all  
09:39 10      agree that --

11              THE COURT: Why don't you work out the redactions.  
12      We'll let it in.

13              MR. TENNEN: I don't plan on publishing it right now.

14              MS. PARUTTI: That's fine.

15              MR. TENNEN: I'm just going to refer to it. I'm  
16      planning -- they'll have it with them.

17      . . . END OF SIDEBAR CONFERENCE.)

18              THE COURT: That was it for cross. Anything on  
19      redirect?

09:39 20             MS. PARUTTI: No, your Honor, nothing.

21              THE COURT: Ms. A [REDACTED], you may step down. I think you  
22      need to -- you can stand and stretch for a minute before your  
23      next witness. I think we need to move the court reporter to  
24      the other side.

25              The next witness is *Minor A*?

1 MS. PARUTI: Correct.

2 THE COURT: My practice with minors is to have them  
3 seated over on this side. I'm going to have the court reporter  
4 move over here.

5 MS. PARUTI: *Minor A.*

6 MINOR A, Sworn

7 THE CLERK: State your name for the record.

8 THE WITNESS: *Minor A.*

9 THE CLERK: Have a seat, please.

09:41 10 THE COURT: The microphone near you should be a little  
11 bit closer to your mouth so you don't have to yell.

12 MS. PARUTI: Your Honor, may I begin?

13 THE COURT: Yes, you may.

14 DIRECT EXAMINATION BY MS. PARUTI:

15 Q. Good morning, *Minor A.*

16 A. Good morning.

17 Q. Can you see me over here right in front of you? Can you  
18 do me a favor and just try to talk as loudly as you can and  
19 just see if your voice gets a little bit louder when you put it  
09:41 20 closer to the microphone?

21 A. Yes.

22 Q. Can you describe -- can you say your name into the  
23 microphone so I can see if I can hear?

24 A. *Minor A.*

25 Q. Can you pull it a little bit closer? Does it come any

1 closer to you?

2 A. Yes.

3 MS. PARUTTI: Your Honor, may I approach?

4 THE COURT: Yes, you may.

5 Q. Can you try?

6 *Minor A*, how old are you today?

7 A. Twelve.

8 Q. Can you just try to speak loud enough so I can hear you  
9 way back here?

09:42 10 A. Okay.

11 Q. You said you are how old today?

12 A. Twelve.

13 Q. When was your birthday?

14 A. *Minor A* DOB.

15 Q. That's the day you were born?

16 A. Yeah.

17 Q. Did you just turn 12, like, a week ago or so?

18 A. Yeah.

19 Q. What town do you live in, *Minor A*?

09:42 20 A. Plymouth.

21 Q. Who do you live with in Plymouth?

22 A. My grandmother, my dad, my mom, my sister, and my  
23 grandfather.

24 Q. Okay. Let's start with your grandmother and your  
25 grandfather. What are their names?

1 A. My grandfather is Mike A[REDACTED] and my grandmother is D[REDACTED]  
2 A[REDACTED].

3 Q. What do you call them?

4 A. I call my grandmother my nanna and my grandfather my  
5 puppa.

6 Q. What about your mom, what's your mom's name?

7 A. M[REDACTED].

8 Q. What's her last name?

9 A. A[REDACTED].

09:43 10 Q. Did you say you have a sister living in your house, too?

11 A. Yeah.

12 Q. What's her name?

13 A. A[REDACTED].

14 Q. Now, your dad, what's your dad's name?

15 A. Nick.

16 Q. What's his last name?

17 A. M[REDACTED].

18 Q. Does he live with you right now?

19 A. Yeah.

09:43 20 Q. Okay. Has he always lived with you?

21 A. No.

22 Q. Okay. The times that he has not lived with you, do you  
23 know where he's lived?

24 A. With his dad.

25 Q. Okay. Is that close to your house or far away from your

1 house?

2 A. Like, medium.

3 Q. Have you always lived in the same house?

4 A. Yeah.

5 Q. Now, are you in -- are you in school right now?

6 A. No.

7 Q. When did school end for you?

8 A. June 19th.

9 Q. What grade did you just finish?

09:44 10 A. Sixth.

11 Q. Sixth grade. What school do you go to?

12 A. Plymouth South Middle School.

13 Q. Plymouth South Middle School.

14 Were you -- you said you turned 12 in June. So were  
15 you 12 -- excuse me, 11 for all of sixth grade?

16 A. Yeah.

17 Q. Now, have you ever stayed back at all?

18 A. No.

19 Q. Have you ever skipped any grades?

09:44 20 A. No.

21 Q. So this year was 2016 to 2017 and you were in sixth grade,  
22 correct?

23 A. Yeah.

24 Q. And last year would you have been in fifth grade then?

25 A. Yeah.



1 Q. And then the year before that, fourth grade?

2 A. Yeah.

3 Q. And then third grade before that?

4 A. Yeah.

5 Q. Okay. And you're always the same age for the entire  
6 school year, is that correct?

7 A. Yeah.

8 Q. Okay. Now, you were at Plymouth South for sixth grade.  
9 Where did you go to school for fifth grade?

09:45 10 A. Indian Brook.

11 Q. Indian Brook. Is that a middle school or elementary  
12 school or something else?

13 A. Elementary school.

14 Q. What grades did you go to Indian Brook for?

15 A. Kindergarten through fifth.

16 MS. PARUTTI: Could I see what's been labeled F for  
17 identification, which is a chalk. Could I have that just for  
18 the attorneys and the witness, please.

19 Q. Can you see the chart that's in front of you?

09:45 20 A. Yeah.

21 Q. Can you see the column -- what does that first column say?

22 A. It says "grade."

23 Q. What does the second column say?

24 A. "Age."

25 Q. What does the next column say?

1 A. "School year."

2 Q. What does the next column say?

3 A. "School."

4 Q. I want you to read that to yourself. I want you to look  
5 at it line by line. It goes six, five, four, three. It has  
6 your ages, 11, 10, 9, 8, and the school years, starting with  
7 this year and going backwards, and then the school name. Can  
8 you see that well, *Minor A*?

9 A. Yeah.

09:46 10 Q. Okay. And have you had a chance to look at that?

11 A. Yeah.

12 Q. And do you know what the word "accurate" means?

13 A. Yeah.

14 Q. What does "accurate" mean?

15 A. Like, on point.

16 Q. Is this an accurate summary of the information you just  
17 told us about how old you were and what grade?

18 A. Yeah.

19 Q. Okay.

09:46 20 MS. PARUTI: Your Honor, may I publish this chalk to  
21 the jury temporarily?

22 MR. TENNEN: Just as a chalk, right?

23 MS. PARUTI: Just as a chalk.

24 THE COURT: The difference of a chalk and an exhibit  
25 is a chalk is just the document that was created to help look

1 at the evidence. It's not evidence itself.

2 MS. PARUTI: Ms. Johnson, can you just blow that up a  
3 little bit. Okay. Thank you. You can take that down.

4 Q. Now, in sixth grade -- are you going to be moving on to  
5 seventh grade next year?

6 A. Yeah.

7 Q. What school will you go to then?

8 A. The same school at sixth, Plymouth South Middle School.

9 Q. What grades are at Plymouth South Middle School?

09:47 10 A. Fifth through eight.

11 Q. Are all the four grades, five, six, seven, and eight, are  
12 they all in the same building?

13 A. Yes.

14 Q. Do you have all the same teachers?

15 A. What do you mean?

16 Q. So the same teachers teach fifth-grade students as teach  
17 eighth-grade students?

18 A. Not that I know.

19 Q. This year when you're in sixth grade, how many different  
09:47 20 teachers did you have?

21 A. I had, like, six.

22 Q. Okay. And what subjects did the different teachers teach  
23 you?

24 A. Social studies, EOA, math, science, art, health,  
25 technology, and music.

1 Q. Okay. And you said you had about six different teachers?

2 A. I think, like, eight.

3 Q. Eight. Did any of the teachers teach you more than one  
4 subject?

5 A. Yeah.

6 Q. Okay. Which ones?

7 A. Social studies and EOA was one. Math and science was one.

8 Q. Okay. Now, outside of school -- do you have school every  
9 day in Plymouth?

09:48 10 A. Yeah.

11 Q. Monday through Friday?

12 A. Yeah.

13 Q. Okay. Outside of school, what types of things do you like  
14 to do for fun?

15 A. Well, I can call my friends and we go to the park, or I  
16 just play, like, video games and stuff.

17 Q. Do you have any --

18 MS. PARUTI: My voice just got really loud.

19 Q. Do you have any plans for this summer for anything fun to  
09:48 20 do?

21 A. Yeah. I go to camp.

22 Q. What's camp like?

23 A. It's fun.

24 Q. What type of things do you do at camp?

25 A. You can swim. You can go on, like, a bungee cord and

1 stuff.

2 Q. Have you been to this particular camp before?

3 A. Yeah.

4 Q. How many years have you gone to this particular camp?

5 A. Like, three.

6 Q. And do you know when this summer you're going to go to  
7 this particular camp?

8 A. August.

9 Q. In August.

09:48 10 How long is it for you, do you know?

11 A. Two weeks, I think.

12 Q. Now do you sleep over there, or do you just go back and  
13 forth every day?

14 A. Back and forth.

15 Q. You said you like to play video games. What types of  
16 video games do you have?

17 A. I have Call of Duty. I have Rocket League. I have Friday  
18 the 13th.

19 Q. Can you play those on any particular sort of, like, gaming  
09:49 20 system?

21 A. Yeah.

22 Q. What kind of gaming system?

23 A. PlayStation 4.

24 Q. PlayStation 4.

25 How long have you had a PlayStation 4?

1 A. Since my -- the last birthday.

2 Q. Your last birthday?

3 A. Yeah.

4 Q. So when you turned 11?

5 A. Yeah.

6 Q. Have you had any other types of PlayStations before the  
7 PlayStation 4?

8 A. Yeah.

9 Q. What kinds have you had?

09:49 10 A. PlayStation 3.

11 Q. Okay. Do you know how old -- did you have any others  
12 before you had PlayStation 3?

13 A. Yeah, a PlayStation 2.

14 Q. How old were you -- was PlayStation 2 the first one that  
15 you got?

16 A. Yeah.

17 Q. How old were you when you got PlayStation 2?

18 A. Like, four.

19 Q. Just try to keep your voice up a little bit, okay?

09:49 20 And then -- now, this might seem like a stupid  
21 question, but do they go in order, like, 2 comes out first,  
22 then 3, then 4?

23 A. Yeah.

24 Q. And is that the order that you got them in?

25 A. Yeah.

1 Q. 2, 3, and then 4, okay.

2 Do you have any other gaming systems that you use or  
3 you have used?

4 A. Yeah.

5 Q. What kinds?

6 A. The PlayStation Portable and a DS.

7 Q. What's a DS?

8 A. A Nintendo DS. It's, like, a mini tablet sort of.

9 Q. A mini tablet.

09:50 10 Can you take it with you and play it places?

11 A. Yeah.

12 Q. Now, the PlayStation 3 -- you said you got the PlayStation  
13 4 when you were 11. So you had the PlayStation 3 before that?

14 A. Yeah.

15 Q. Do you remember how long you had the PlayStation 3?

16 A. For, like, two or three years.

17 Q. Okay. Now, when you had the PlayStation 3 in your house,  
18 where did you have it set up?

19 A. In my room.

09:50 20 Q. In your room.

21 So you told me a bunch of people that live in your  
22 house. Where do all those people sleep?

23 A. My grandmother and grandfather live upstairs. I live  
24 upstairs. My dad and mom and sister live downstairs.

25 Q. Okay. And you said upstairs and downstairs. How many

1 different floors or stories are there in the house?

2 A. Two.

3 Q. Two. When you say "upstairs," is that, like, the only  
4 above-ground level of the house?

5 A. Yeah.

6 Q. Okay. You said your grandparents have a bedroom and then  
7 you have a bedroom?

8 A. Yeah.

9 Q. What other rooms are on that floor of the house?

09:51 10 A. The parlor and the kitchen.

11 Q. The parlor and the kitchen, okay.

12 Now, in your room, you said that's where you had the  
13 PlayStation?

14 A. Yeah.

15 Q. So how does -- for those of us who have never seen a  
16 PlayStation, how do you set that up?

17 A. They have two wires and an HDMI cable.

18 Q. An HDMI cable?

19 A. Yeah.

09:52 20 Q. What do the wires go to?

21 A. They plug into, like, the router and stuff.

22 Q. Okay. And then what else? How do you see what you're  
23 playing on the game?

24 A. You connect it to the TV.

25 Q. To the TV, okay.



1                   And then is the PlayStation itself like a box?

2       A.     Sort of.

3       Q.     Okay. How do you -- how do you actually play on the  
4       PlayStation?

5       A.     You have a controller.

6       Q.     Is the controller wired to the box or is it wireless?

7       A.     You can get both.

8       Q.     Okay. Do you remember what you had when you had a  
9       PlayStation 3?

09:52 10      A.     I had wireless.

11      Q.     You had wireless, okay.

12                   Now, you said a router. Do you know what that's for?

13      A.     It like -- it's the main thing to plug every, like, cable  
14      into.

15      Q.     Okay. Now, you said you had that for a couple years and  
16      you got your new one when you were 11. So how often would you  
17      play your PlayStation when you had the 3?

18      A.     Like, every day.

19      Q.     Every day.

09:53 20                   You said that you went to school at Indian Brook back  
21      then, right?

22      A.     Yeah.

23      Q.     How did you get to Indian Brook Elementary?

24      A.     I took the bus.

25      Q.     You took the bus.

1 Do you remember what time you took the bus when you  
2 were in elementary school?

3 A. I think it was 8:30.

4 Q. Do you remember how you got home from school when you were  
5 in elementary?

6 A. The bus.

7 Q. Do you remember what time you got back from school back  
8 then?

9 A. Like, 4:00.

09:53 10 Q. Like, 4:00.

11 Would you ever play PlayStation before school?

12 A. No.

13 Q. When would you play PlayStation?

14 A. Usually, like, an hour after I got home.

15 Q. So play for, like, an hour after you got home. Was that  
16 it, just an hour a day?

17 A. Sometimes.

18 Q. Sometimes. What about other times?

19 A. A lot.

09:53 20 Q. A lot. So like -- what's the most that you would ever  
21 play PlayStation in one day?

22 A. Like, six hours.

23 Q. Six hours. So after school?

24 A. Yeah.

25 Q. Did you have --

1 MS. PARUTI: Ms. Johnson, can I have the chart -- the  
2 chalk, please.

3 Q. Looking back to when you were in third grade, so you were  
4 eight; and then when you were in fourth grade, so when you were  
5 nine, do you remember back then if you had a certain bedtime  
6 that you had to go to bed at?

7 A. Yeah.

8 Q. What was your bedtime back then?

9 A. 10.

09:54 10 Q. What?

11 A. 10.

12 Q. 10:00, okay.

13 So were you allowed to -- obviously, you slept in your  
14 room, right?

15 A. Yes.

16 Q. When you were playing PlayStation in your room, would you  
17 do that with the door open or closed or something else?

18 A. It would be closed.

19 Q. Okay. When you play your PlayStation, how do you -- I  
09:54 20 know you said controllers and you can see it on the TV. But  
21 how do you actually play with other people?

22 A. There's multiple ways.

23 Q. What's one of the ways that you can do it?

24 A. You can either find them or you just add them or  
25 something.

1 Q. Okay. Let's go through that a little bit, and then we'll  
2 come back to how often you played. So when you -- can you  
3 explain to us literally how long -- you're going in your room  
4 to play PlayStation. How do you get onto a game and start  
5 playing?

6 A. You would -- so on the controller, there's -- on the  
7 controller there's a button; and if you press the button, it  
8 turns on the whole PlayStation, and then you can just turn on  
9 your TV and then you play.

09:55 10 Q. So you're on -- you have the game on. You mentioned a  
11 couple different games before. What was your favorite game to  
12 play?

13 A. It was Call of Duty.

14 Q. Call of Duty. If you want to play Call of Duty, do you  
15 have to be playing with people who were, like, sitting in your  
16 bedroom with you?

17 A. No.

18 Q. How do you play with other people then?

19 A. It's, like, all across the world.

09:55 20 Q. How do you connect with the people all across the world?

21 A. You can go into a lobby and --

22 Q. When you were at your house, did you have to be connected  
23 to the internet to play with other people?

24 A. Yeah.

25 Q. Was that something that your PS3 was able to do?

1 A. Yeah.

2 Q. Was that something you knew how to set up or your parents  
3 or grandparents set up, do you remember?

4 A. I think I set it up.

5 MS. PARUTTI: So can I have Exhibit 2-2, please, for  
6 all parties.

7 Q. So, *Minor A*, can you see the screen in front of you?

8 A. Yes.

9 Q. Okay. What do you see on that screen?

09:56 10 A. That was my background for the PlayStation 3.

11 Q. For the PlayStation 3.

12 Is that a specific character from one of the games?

13 A. Yeah.

14 Q. What game is that from?

15 A. I think it's Call of Duty Zombies.

16 Q. Call of Duty Zombies, okay.

17 Is that something you got to set yourself?

18 A. Yeah.

19 Q. When you're playing -- do you see right in the middle here  
09:57 20 it says "*Minor A*"?

21 A. Yeah.

22 Q. Okay. Was that your normal sign-in?

23 A. Yeah.

24 Q. Did you have more than one account to play on PlayStation?

25 A. Yeah.

1 Q. Do you see on this screen any other accounts that were  
2 yours?

3 A. Yeah.

4 Q. Which ones?

5 A. Echo\_Nightmare, Marl, rangl0, and Famaus.

6 Q. So you said Echo\_Nightmare, Famaus, rangl0, and Marl?

7 A. Yeah.

8 Q. Now, you said you can go on --

9 MS. PARUTI: You can clear that exhibit, please.

09:57 10 Q. You can go on and you can see who's playing. Once you can  
11 see who's playing, how do you get them to play a game with you?

12 A. You can message them.

13 Q. Okay. Is that the only way?

14 A. You can look at what they're playing.

15 Q. And then if you see somebody that you know who's playing a  
16 certain game, can you just join their game?

17 A. Yeah.

18 Q. So what can other people -- do you remember what your user  
19 name was?

09:58 20 A. Yeah.

21 Q. What was that?

22 A. It was *Minor A DOB*.

23 Q. So *Minor A*, that's your first name, right?

24 A. Yes.

25 Q. What's 62505?

1 A. I don't know.

2 Q. Did you set up that account?

3 A. No.

4 Q. Who set it up for you?

5 A. My mom.

6 Q. Your mom, okay.

7 What can other people who are playing the game, who  
8 are online at the same time as you, what can they see about you  
9 from your profile?

09:58 10 A. They can't really see anything.

11 Q. Okay. Do you have a picture of your face or anything  
12 that's on there?

13 A. No.

14 Q. Okay. Do you have -- can they see your user name?

15 A. Yes.

16 Q. So they can see *Minor A* *DOB*?

17 A. Yes.

18 Q. Is there anything they can do to click on to see any other  
19 information about you?

09:59 20 A. Yeah.

21 Q. Like what?

22 A. You can, like, read the bio.

23 Q. You can read their bio. And what's the bio?

24 A. It's like -- you can write whatever you want in it.

25 Q. Okay. Do you remember if you had anything in your bio

1 back then when you were eight and nine?

2 A. I didn't have anything.

3 Q. You did not, okay.

4 And the bio, it's something that you get to write in  
5 whatever you want, right?

6 A. Yeah.

7 Q. Now, can you play with anybody on there, or do you have to  
8 be friends with people to play first?

9 A. You can play with anybody on there, but if you want to  
09:59 10 join them, then you have to be friends.

11 Q. They have to be friends, okay.

12 When you log on to PS3, did you say that you could go  
13 to a lobby or something like that?

14 A. Yeah.

15 Q. So what's the lobby?

16 A. You can join a lobby, and then you can -- like, 12 players  
17 in one lobby, and then you can, like, play the game. It will  
18 start a match.

19 Q. Lobby is sort of -- is it a special screen that you can  
10:00 20 see on the game?

21 A. Kind of.

22 Q. You said 12 players. What is that -- could you only play  
23 with 12 people at a time?

24 A. Yup.

25 Q. Now, you said that sometimes you could be friends with



1 people, and then it's easier to join their games or play with  
2 them directly?

3 A. Yeah.

4 Q. And how do you become friends with another user on PS3?

5 A. You can send them a friend request.

6 Q. So when you get a friend request from somebody, what are  
7 your options?

8 A. You can deny it; you can block them; or you can accept it.

9 Q. Or you can accept it, okay.

10:00 10 When you're playing against other people, are you all  
11 -- so say you're playing directly with one other person or  
12 you're playing in a lobby with 12 other players. Are you all  
13 playing in the same game?

14 A. Yeah.

15 Q. Is there a way -- so you can see what their characters are  
16 doing?

17 A. Yeah.

18 Q. Can you hear the other people at all?

19 A. If they have a mic.

10:01 20 Q. If they have a mic.

21 Tell me about that a little bit.

22 A. The mic, you can plug into the PlayStation, and then you  
23 can, like, talk to other people on it.

24 Q. Did you -- when you were eight and nine, did you have a  
25 mic?

1 A. Yes.

2 Q. What does the mic look like?

3 A. It's just -- looks like a normal headset.

4 Q. Looks like a normal headset?

5 A. Yeah.

6 Q. Does it have, like, earphones?

7 A. Yes.

8 Q. Are the earphones that go into your ears or cover them or  
9 something different?

10:01 10 A. They cover them.

11 Q. They cover them, okay.

12 And then the actual microphone, is that connected to  
13 the headphones?

14 A. Yeah.

15 Q. Do you actually plug the microphone or the headset into  
16 the machine or the TV somewhere?

17 A. You plug it into the PlayStation.

18 Q. Into the PlayStation, okay.

19 You can just try to keep your voice up. I don't think  
10:01 20 your mic is actually making your voice bigger, okay.

21 Now, if you don't have a headset, can you still talk  
22 to other people?

23 A. Yeah.

24 Q. How do you do that?

25 A. You message them.

1 Q. You can message them.

2 Is that something like literally typing in messages?

3 A. Yeah.

4 Q. If you don't have a headset, can you hear what other  
5 people with mics are saying through your TV?

6 A. Yeah.

7 Q. Does it just come out the sort of normal volume from the  
8 TV?

9 A. Yeah.

10:02 10 Q. How is it that you can send somebody a message?

11 A. You can click on their user name, and then it will say  
12 "send message."

13 Q. Okay. Do you have a -- like, does a keyboard or something  
14 pop up?

15 A. Yeah.

16 Q. Now, you said that you can hear -- if you're playing in a  
17 lobby or you're playing with a bunch of other people, can you  
18 hear everything that everybody is saying?

19 A. Yeah.

10:02 20 Q. Is there any option or ability to mute what anybody is  
21 saying or what you're saying?

22 A. Yeah.

23 Q. Okay. How do you do that?

24 A. You can click on their name and then it will say "mute."

25 Q. Okay. Is there a way so that, if you're playing with

1       somebody or if you're playing online and you just want to talk,  
2       like, hear words to one other person, is there a way that you  
3       can make that happen?

4       A.     Yeah.

5       Q.     How do you do that?

6       A.     If they're in your party, you can press square and you can  
7       press X, and then it will be everybody except the person who's  
8       in your party.

9       Q.     You can press square and you can press X.

10:03 10       Are those things on your controller or somewhere else?

11       A.     It's on the controller.

12       Q.     On the controller, okay.

13       Now, can you hear -- have you in the -- do you still  
14       play PlayStation?

15       A.     Yeah.

16       Q.     Do you still play a lot?

17       A.     Yeah.

18       Q.     Can you -- do you play with people that you have met in  
19       real life?

10:03 20       A.     No.

21       Q.     Have you ever played with anybody that you've met in real  
22       life?

23       A.     Yeah.

24       Q.     How do their voices sound on -- over the headset or on the  
25       mic compared to in real life?

1 A. It doesn't sound like them. It sounds, like, a little bit  
2 lower pitched voice.

3 Q. Lower. Like, what do you mean?

4 A. Like squeakier.

5 Q. Like squeakier, okay.

6 But could you tell -- the people that you know in real  
7 life that, you've played with over the internet, over the game,  
8 could you tell whether or not they were a kid or an adult?

9 A. Yeah.

10:04 10 Q. Okay. Now, do you know a person named Robert Rang?

11 A. Yes.

12 Q. Okay. How did you meet a person named Robert Rang?

13 A. I think I was playing Call of Duty.

14 Q. You were playing Call of Duty.

15 Was that on your PS3?

16 A. Yeah.

17 Q. Do you remember what that person's screen name was?

18 A. Yeah.

19 Q. What was the screen name?

10:04 20 A. It was rrang10.

21 Q. Rrang10, okay.

22 A. Yeah.

23 Q. Okay.

24 MS. PARUTTI: Could I have Exhibit 2-2 again, please,  
25 for all parties? We just have to wait a second because it

1 takes longer to come onto their screens.

2 Q. I'm pointing next to the part -- I'm circling, actually,  
3 in red the user name that says "rrangl0." Was that the person  
4 you knew as Robert Rang?

5 A. Yeah.

6 Q. What?

7 A. Yeah.

8 Q. Okay. So Call of Duty. What other games did you play  
9 with rrangl0?

10:05 10 A. Minecraft.

11 Q. Minecraft. Anything else?

12 A. I forget.

13 Q. Okay. So Call of Duty, did rrangl0 have a clan or  
14 something like that?

15 A. Yeah.

16 Q. What's a clan?

17 A. You can join it, and it will just look cool.

18 Q. It will what?

19 A. It will look cool.

10:05 20 Q. It will look cool.

21 So you can join it. So how many people are in a clan?

22 A. You can have as much as you want.

23 Q. As many people as you want?

24 A. Yeah.

25 Q. What's kind of the point -- what does a clan do?

1 A. Just play.

2 Q. Do they play each other or they play against other people  
3 together as a team?

4 A. They're all in one group, and they play against people.

5 Q. Okay. Do you remember what rrangl0's clan was with  
6 respect to Call of Duty?

7 A. Yeah.

8 Q. What was it?

9 A. It was Cry.

10:06 10 Q. Cry, like C-r-y?

11 A. Yeah.

12 Q. Okay. Did you join Robert Rang's clan Cry?

13 A. Yeah, I think so.

14 Q. What?

15 A. I think so.

16 Q. Okay. Do you know -- did you have any other friends who  
17 joined his clan Cry?

18 A. No.

19 Q. Okay. And how is it that you came to join that clan?

10:06 20 A. I think he asked me.

21 Q. Okay. Did he -- when you say you think he asked you, how  
22 did he do that?

23 A. Just, like, you want to join the clan?

24 Q. Okay, like, talking over the mic or messages or something  
25 else?

1 A. Probably over the mic.

2 Q. Okay. Now, after you first played Call of Duty with  
3 Robert Rang, who is rrang10, did you play with him again or  
4 just that one time?

5 A. Again.

6 Q. Okay. Now, do you remember -- did you play with him  
7 multiple times or just, like, one or two?

8 A. Multiple.

9 Q. Okay. Do you remember, as you played with him, would you  
10:07 10 always have your mic available to you?

11 A. Yeah.

12 Q. Okay. And when you were playing with him, did he always  
13 have a mic that he was using so that you could hear him?

14 A. Yeah.

15 Q. Did you communicate with him over the mic while you were  
16 playing games?

17 A. Yeah.

18 Q. What did you learn from Robert Rang when -- over the times  
19 that you were playing with him? What did he tell you about  
10:07 20 himself?

21 A. He was older.

22 Q. Do you remember right today, like, the specific age he  
23 told you?

24 A. Like, 30s or 40s. I don't know.

25 Q. Do you remember or are you just guessing?



1 A. Guessing.

2 Q. Okay. One thing, if you don't remember, it's okay to say  
3 you don't remember, okay. But try not to guess, okay?

4 A. Yeah.

5 Q. You knew he was older than you?

6 A. Yeah.

7 Q. Did he tell you where he lived; do you remember that?

8 A. Yeah.

9 Q. Where did he tell you he lived?

10:08 10 A. He said he lived in Pennsylvania.

11 Q. Did he tell you anything about what he knew about you?

12 A. What do you mean?

13 Q. Like, did he mention whether he had ever seen you on any  
14 other sort of social media or anything like that?

15 A. No.

16 Q. Okay. Did he tell you about where he worked or what kind  
17 of job he had?

18 A. Yeah.

19 Q. Do you remember what that was?

10:08 20 A. He said he worked for Sony.

21 Q. Did he tell you specifically anything about his job or  
22 what he could do because of his job?

23 A. No.

24 Q. Did you believe that he worked for Sony?

25 A. Yeah.

1 Q. Okay. Did he ever tell you over the months that you  
2 talked to him whether he had any other jobs?

3 A. No.

4 Q. Okay. Now, do you remember what you told Robert Rang  
5 about you when you first started playing?

6 A. I didn't say anything.

7 Q. Okay. Do you know whether you ever told him how old you  
8 were or what grade you were in?

9 A. Yeah.

10:09 10 Q. Do you remember how long after you met him online you told  
11 him those things?

12 A. I'd say, like, about two months.

13 Q. A couple months into it, okay.

14 And did you -- how often -- I know you said you played  
15 with him multiple times. How often did you actually play with  
16 him?

17 A. Like, every other day.

18 Q. Every other day, okay.

19 Now, over the time that you played with him, did you  
10:09 20 -- do you have a Facebook account?

21 A. Yeah.

22 Q. Okay. Did you have one back then?

23 A. Yeah.

24 Q. Did you ever become friends with him on Facebook?

25 A. Yeah.

1 Q. Okay. Do you know if he ever saw your pictures on  
2 Facebook?

3 A. Yeah.

4 Q. Okay.

5 MS. PARUTTI: Just one moment, please.

6 Q. When you were playing with him, you said you played with  
7 him, like, every other day. How often during those -- those  
8 days that you played, how long would you play with him?

9 A. Like, two hours.

10:10 10 Q. A couple hours, okay.

11 Would you play with him at any particular time of day?

12 A. Just randomly.

13 Q. Just randomly, okay.

14 Would you ever plan to go online and play at the same  
15 time?

16 A. Yes.

17 Q. And how would that happen?

18 A. He would text me, I think.

19 Q. He would text you, okay.

10:10 20 So let me ask you this: At this point, right now, do  
21 you have a cell phone?

22 A. Yeah.

23 Q. You do, okay.

24 Back then, when you first met Robert Rang online, did  
25 you have a cell phone?

1 A. Yeah.

2 Q. You had a cell phone?

3 A. iPod.

4 Q. An iPod, okay.

5 Can you just explain for us, like, what's your  
6 understanding of the difference between an iPod and a cell  
7 phone?

8 A. The iPod you can't call anybody. You can just, like, text  
9 and play music.

10:11 10 Q. On the iPod that you had, could you send texts to anybody?

11 A. No.

12 Q. What were the limitations on that?

13 A. You can only text people who have Apple.

14 Q. Apple devices. So like iMessaging?

15 A. Yeah.

16 Q. We'll come back to that in a little bit, okay.

17 How did you get that iPod?

18 A. Christmas.

19 Q. Okay. Do you remember who you got it from?

10:11 20 A. My aunt.

21 Q. Your aunt gave it to you.

22 Was that a new iPod or was it a used iPod?

23 A. It was used.

24 Q. Now, over the time that you played with Robert Rang on  
25 PS3, did he ever treat you special in any way?

1 A. What do you mean?

2 Q. So, like, did he ever buy you anything?

3 A. Yeah.

4 Q. Okay. What types of things would he buy you?

5 A. The PlayStation cards.

6 Q. What's a PlayStation card?

7 A. It's, like, money to put into the game to buy video games  
8 from the store.

9 Q. Okay. Do you remember how many times he bought you those  
10:12 10 PlayStation cards?

11 A. Once in a while.

12 Q. Okay. How much -- like, how much do games cost?

13 A. It depends on what game you're getting. Like, a normal  
14 good game would cost \$60.

15 Q. So a normal good game would be \$60?

16 A. Yeah.

17 Q. Do you remember any specific amounts of gift cards that he  
18 would buy for you or he did buy for you?

19 A. They ranged from 20 to 50.

10:12 20 Q. 20 to 50, okay.

21 Do you remember -- so what you actually did with those  
22 game cards or the gift cards that he got you?

23 A. Yeah.

24 Q. What did you do?

25 A. I'd just buy games.

1 Q. Do you remember any specific games that you bought?

2 A. I think I just bought money for a game.

3 Q. What do you mean?

4 A. Like, I had GTA.

5 Q. What's GTA?

6 A. It's, like, the real world, but you can do whatever you  
7 want.

8 Q. What does GTA stand for?

9 A. Grand Theft Auto.

10:13 10 Q. So it's like the real world, but you can do whatever you  
11 want?

12 A. Yeah.

13 Q. So continue what you were saying. You were talking about  
14 the gift cards and GTA.

15 A. There's money on GTA, and you can buy the money to buy  
16 more stuff in the game.

17 Q. Like, what types of stuff can you buy in the game?

18 A. You can buy cars.

19 Q. You can buy cars, okay.

10:13 20 So if you got, for example, a \$20 gift card or  
21 PlayStation card, what would that be worth in GTA?

22 A. Like \$200,000.

23 Q. \$200,000 in GTA money?

24 A. Yeah.

25 MS. PARUTI: Could I have Exhibit 12, please, Page 8.

1 The previous page.

2 Q. Okay. Can you --

3 MS. PARUTTI: Ms. Johnson, if you would please blow  
4 that up. Thanks.

5 Q. *Minor A*, can you see the exhibit on your screen?

6 A. Yeah.

7 MS. PARUTTI: Could I have it for all parties, please.  
8 For the record, we're looking at Page 3 of Exhibit 12.

9 Q. *Minor A*, you see this? It says, "*Minor A's* PSN  
10:14 10 membership." Do you know what a PSN membership is?

11 A. Yeah.

12 Q. What is that?

13 A. It's -- I think it's PlayStation Plus.

14 Q. What is that?

15 A. It's, like, you can get certain games for free.

16 Q. Okay. If you have -- if you pay for the membership?

17 A. Yeah.

18 Q. Okay.

19 MS. PARUTTI: You can clear that, please.

10:15 20 Q. Now, at any point -- you said that -- I asked you if  
21 Robert Rang had treated you specially at all, and you said he  
22 bought you some things. Did he ever give you access to any of  
23 the games that he had in his account?

24 A. Yeah.

25 Q. Can you tell me how that worked?

1 A. He would give me his account, and I could download the  
2 games off of his account that he got.

3 Q. Do you call that anything specific?

4 A. Game share.

5 Q. Game share.

6 Is that, like, a thing, or is it something that the  
7 two of you did?

8 A. It's a thing.

9 Q. He would give you his account, and then you could log on  
10:15 10 from your open PlayStation?

11 A. Yeah.

12 MS. PARUTI: Can I have Exhibit 2-2, please, for all  
13 parties.

14 Q. So we're looking at Exhibit 2-2, and there's that rrangl0.  
15 Was that Robert Rang's login?

16 A. Yeah.

17 Q. And why is that on your PlayStation?

18 A. For the game share.

19 Q. For the game share.

10:16 20 So when you logged into his account, you could  
21 download his games onto your machine?

22 A. Yeah.

23 Q. Would you play as *Minor A DOB* or would you play as  
24 rrangl0?

25 A. Whatever account you're on.



1 Q. Okay. And then once you log out of his account, do the  
2 games stay on your machine, or do you have to be logged in to  
3 play them?

4 A. They stay.

5 Q. They stay on your machine, okay.

6 If you logged in at rrang10 on Monday or, let's say,  
7 today and you downloaded a specific game, could you log in  
8 later today, like, when you got home, and play as *Minor A DOB*  
9 in that game?

10:17 10 A. Yeah.

11 Q. When you were logged in as rrang10, could Robert Rang be  
12 logged in as rrang10 somewhere else?

13 A. No.

14 Q. Only one person at a time?

15 A. Yeah.

16 Q. Okay. And do you remember about how many games that you  
17 did that for, that you did the game share for with Robert?

18 A. No.

19 Q. Okay. Was it more than one?

10:17 20 A. I think so.

21 Q. All right.

22 MS. PARUTI: Could I have Exhibit 3-4, please. Can  
23 you blow up Line 1, please.

24 Q. Okay. Can you see -- so this is an exhibit. It's 3-4.  
25 And this is from your iPod. Can you see that email address

1       there, tdsfmember1@aol.com?

2       A.     Yeah.

3       Q.     Is that your email address?

4       A.     I don't think so.

5       Q.     Okay. Do you know right now whose email address that is?

6       A.     No.

7       Q.     Did you have an account where you could go onto the iTunes  
8       store to buy things?

9       A.     Yeah.

10:18 10      Q.     Okay. And how did you go onto the iTunes store to buy  
11      things?

12      A.     There's an app that you can just click on.

13      Q.     Did you buy things with your money?

14      A.     I never went on it.

15      Q.     You never went on it, okay.

16             MS. PARUTTI: You can clear that.

17      Q.     So you said that you could log onto Robert Rang's profile  
18      to download his games. Did you ever give Robert Rang your user  
19      account names and passwords?

10:18 20      A.     Yeah.

21      Q.     Okay. Why did you give him your user names and passwords?

22      A.     I don't know.

23      Q.     You don't know?

24      A.     I forget.

25      Q.     Did he ask you for it?

1 A. I think so.

2 Q. Okay.

3 MS. PARUTI: Can I have Exhibit 2-4, please.

4 Q. Now, you said that one of the ways that you could  
5 communicate with people was by sending messages as well as  
6 talking on the mic.

7 A. Yeah.

8 Q. I have --

9 MS. PARUTI: Could I have it for all parties, please.

10:19 10 Q. Okay. Do you see this screen in front of you, *Minor A*?

11 A. Yeah.

12 Q. What is that screen?

13 A. It's the message screen.

14 Q. It's the message screen. So is this where you go when --  
15 do you get an alert or something when somebody sends you a  
16 message?

17 A. Yeah.

18 Q. Is this where you go so you can read those messages?

19 A. Yeah.

10:19 20 MS. PARUTI: If I can have 2-18 and 2-19 side by side,  
21 please.

22 Q. So looking on the left-hand side of the screen, if --

23 MS. PARUTI: Ms. Johnson, can you just blow up that --  
24 yup.

25 Q. Can you see that subject heading line?

1 A. Yeah.

2 Q. Okay. Who's the sender of that?

3 A. Rang.

4 Q. Rang. Can you read what the subject line is?

5 A. It says my number.

6 Q. That was May 27 of 2014, right?

7 A. Yeah.

8 MS. PARUTI: Now, if we can go over to 2-19.

9 Q. When you click on that --

10:20 10 MS. PARUTI: 2-18.

11 Q. When you click on the message, does it then blow up so you  
12 can actually read it?

13 A. Yeah.

14 MS. PARUTI: Looking at 2-19, can you enlarge that,  
15 please.

16 Q. Is that the -- is that a message that you got from  
17 rrang10?

18 A. Yeah.

19 Q. Did you send that message when you were logged in?

10:20 20 A. No.

21 Q. Did you know whose phone number that was?

22 A. Yeah.

23 Q. Whose?

24 A. That was his.

25 Q. It was his, okay.

1 MS. PARUTI: You can clear it out.

2 Q. So now do you remember if you gave Robert Rang your phone  
3 number at some point?

4 A. Yeah.

5 Q. Okay. So back then when you were in third -- well, when  
6 you were eight and nine, you said you had -- you got an iPod at  
7 some point. Before that, did you have a cell phone?

8 A. No.

9 Q. Okay. Did you have a phone in your house?

10:21 10 A. Yeah.

11 Q. Do you remember what that phone number is, or do you know  
12 what your house phone number is?

13 A. 774-413-██████.

14 Q. Way too fast. Ms. Dahlstrom is writing down everything  
15 that you say. Can you say that pretty slow so that she can  
16 hear you.

17 A. 774-413-██████.

18 Q. Thank you. Is that the -- is that still your house phone  
19 number?

10:21 20 A. Yeah.

21 Q. Have you ever, to your knowledge, had a different number  
22 than that?

23 A. No.

24 Q. Now, so you gave Robert Rang your phone number. Why did  
25 you give him your phone number?

1 A. I think he asked for it.

2 Q. Okay. What about your address, do you know if you ever  
3 gave Robert Rang your address?

4 A. Yeah.

5 Q. What's your address?

6 A. 79 Haskell Road.

7 Q. Haskell Road?

8 A. Yeah.

9 Q. Okay. Why did you give Robert Rang your address?

10:22 10 A. He asked for it.

11 Q. He asked for it, okay.

12 Now, so you gave Robert Rang your phone number. Do  
13 you know if he ever -- and he gave you his phone number, right?

14 A. Yeah.

15 Q. Do you know why he gave you his phone number?

16 A. No.

17 Q. Okay. Did you ask him for it?

18 A. No.

19 Q. He just gave it to you?

10:22 20 A. Yeah.

21 Q. Okay. At any point did he ever call you at your house on  
22 the house phone?

23 A. Yeah.

24 Q. Okay. Was that one time or more than one time?

25 A. I think it was more.

1 Q. Okay. Do you remember how often he would call your house  
2 phone?

3 A. No.

4 Q. Sorry?

5 A. No.

6 Q. Was it -- well, you said it was more than one time. Was  
7 it more than five times?

8 A. Possibly.

9 Q. Okay. Do you specifically remember how many times he  
10:23 10 called your house?

11 A. No.

12 Q. Okay. And you haven't looked at phone records or anything  
13 like that, right?

14 A. No.

15 Q. When he would call your house --

16 MS. PARUTTI: Actually, can I have Exhibit 13-3?

17 Q. While that's coming up, I have a couple questions for you,  
18 okay, *Minor A*?

19 You said that you have a phone in your house. Is it  
10:23 20 just one physical phone, or how is it set up?

21 A. It's one phone.

22 Q. Is that a phone that's cordless or does it have, like, a  
23 wire, a cord, that connects the base to the headset?

24 A. Cordless.

25 Q. Where is the base for the cordless phone in your house?

1 A. It's next to the computer in the parlor.

2 Q. In the parlor.

3 What else is in the parlor?

4 A. A table.

5 Q. A table. What else?

6 A. Chairs.

7 Q. Chairs. What else?

8 A. That's it.

9 Q. Okay. How many chairs are in there?

10:24 10 A. Like, four or three.

11 Q. Okay. There's a table and a phone. Is there a TV  
12 somewhere that people can watch?

13 A. No.

14 Q. Not in the parlor?

15 A. No.

16 Q. Anywhere else in the house?

17 A. Yeah.

18 Q. Where?

19 A. In -- no. In the parlor.

10:24 20 Q. In the parlor, okay.

21 So if you're not watching TV in your room or playing  
22 on your TV in your room, did you ever watch TV in the parlor?

23 A. Yeah.

24 Q. Who else watches TV in the parlor?

25 A. My grandmother.



1 Q. Your grandmother, okay.

2 So when Robert Rang would call you -- let me just see,  
3 actually. You told us a number. I think everybody now has  
4 13-3 on their screens. So we're looking here at April 23rd of  
5 2014. Do you recognize that number? I'm circling in the top  
6 right-hand column.

7 A. Yeah.

8 Q. Okay. That's your number, right?

9 A. Yeah.

10:25 10 Q. And do you recognize -- I'm doing dial digit number.

11 A. Yeah.

12 Q. 570-516-7927. Do you recognize that?

13 A. No.

14 Q. That's not something you have memorized?

15 A. No.

16 Q. You have April vacation -- you have vacation in April,  
17 right, for school?

18 A. Yeah.

19 Q. You said that Robert Rang called you sometimes. Did he  
10:25 20 ever ask you to call him?

21 A. I think so.

22 Q. Sorry. You think so?

23 A. Yeah.

24 Q. Do you have a specific memory of actually dialing the  
25 digits and calling him?

1 A. Yeah.

2 Q. Okay. How often did that happen that you would call  
3 Robert?

4 A. Rarely.

5 Q. Rarely, okay.

6 MS. PARUTI: You can clear the exhibit.

7 Q. When you would talk to Robert on the phone, if it was you  
8 calling him or him calling you, where would you be in your  
9 house?

10:26 10 A. My room probably.

11 Q. In your room, okay.

12 So if you -- how would you know that he was going to  
13 call or that he was calling?

14 A. He'd tell me.

15 Q. What?

16 A. He'd tell me.

17 Q. How would he tell you?

18 A. Over the messages.

19 Q. Would you ever talk about it when you were on your  
10:26 20 headsets playing the game?

21 A. I think so.

22 Q. Okay. Did you have -- you said you had a Facebook  
23 account, right?

24 A. Yeah.

25 Q. Okay. Did you guys communicate over Facebook at all?

1 A. Yes.

2 Q. Did he ever ask you if you could talk on the phone when  
3 you were typing to each other on Facebook?

4 A. Yes.

5 Q. If you knew that Robert Rang was going to call you or he  
6 asked you to call him, what would you do to get ready for that  
7 call?

8 A. I think I, like, take the phone and, like, go in my room.

9 Q. Why would you take the phone and go into your room?

10:27 10 A. I think he told me.

11 Q. He told you?

12 A. Yes.

13 Q. Would anybody be in the room with you when you would be on  
14 the phone with Robert Rang?

15 A. No.

16 Q. No, okay.

17 When you would be on the phone with Robert Rang,  
18 whether he called you or you called him, would you keep the  
19 door open to your room or would you close it?

10:27 20 A. It would be closed.

21 Q. Why would you close it?

22 A. I just usually do it.

23 Q. Okay. If you were talking on your phone -- on the phone  
24 in your room, with your door closed, do you know if anybody  
25 could hear what you were saying on the phone if they were in

1 another room?

2 MR. TENNEN: Objection.

3 A. Yeah.

4 THE COURT: That's fine.

5 MS. PARUTTI: Thank you.

6 Q. You do know?

7 A. Yeah.

8 Q. Okay. Could they hear --

9 THE COURT: Before you go there, I let you ask it  
10:27 10 without a foundation.

11 Q. Have you been in your house when other people have been  
12 talking on the phone?

13 A. Yeah.

14 Q. Have you been in your room when other people have been  
15 talking on the phone in other rooms of the house?

16 A. Yeah.

17 Q. Okay. So, for example, if your mom or dad were downstairs  
18 in the basement -- well, could you -- if you were in your room,  
19 could you hear all the words that they were saying when they  
10:28 20 were on the telephone?

21 A. Yeah.

22 Q. Okay. Could you hear what the other person, like, on the  
23 other end of the phone was saying?

24 A. I can't remember.

25 Q. Okay. Have you ever been outside of -- or from your room,

1 have you ever heard, like, your nanna talking on the phone in  
2 the parlor?

3 A. Yeah.

4 Q. Could you hear what nanna was saying on the phone from  
5 your room?

6 A. Yeah.

7 Q. Okay. Could you hear what the other person, like, inside  
8 the phone was saying to nanna?

9 A. I can't remember.

10:28 10 Q. Okay. So when you would bring the phone into your room,  
11 you would shut the door. What were the types of things that  
12 you would talk about?

13 A. I don't really know.

14 Q. Okay. We can come back to that.

15 You said -- we looked at one message already. Are you  
16 okay if we look at a couple more messages on PlayStation?

17 A. Sure.

18 MS. PARUTI: Can we have 2-16 and 2-17 side by side,  
19 please. Okay.

10:29 20 Q. So 2-16 is the one on the left, okay. Do you see the  
21 message from rrang10 that says, "how much i trust u"?

22 A. Yes.

23 Q. Do you see that little pin in the corner of the message?

24 A. Yes.

25 Q. What does that mean?

1 A. I think that means that you saved it.

2 Q. Did you have the option to delete messages after you read  
3 them?

4 A. Yeah.

5 Q. Okay. And did you have the option to save them?

6 A. Yeah.

7 Q. Okay. Do you know, was there a default? Like, would one  
8 thing automatically happen?

9 A. No.

10:29 10 Q. Okay. You had to choose to save or to delete?

11 A. Yeah.

12 Q. So if you click on that "how much i trust u," would -- you  
13 would then see the message in 2-17 on the right, correct?

14 A. Yes.

15 Q. Can you read that from where you are, or do you want us to  
16 blow that up?

17 A. I can read it.

18 Q. What does that say? What does that message say?

19 A. It said, "how much i trust u today, 7/10/14. I trust u 94  
10:30 20 percent."

21 Q. What does that mean? Is that something he had talked to  
22 you about before, how much he trusted you?

23 A. Yeah.

24 Q. How did you understand that message?

25 A. It was, like, whenever he wasn't on, he wouldn't want me

1 to play public matches and stuff.

2 Q. Why not?

3 A. I don't know.

4 Q. When you say "whenever he wasn't on," you mean on  
5 PlayStation?

6 A. Yeah.

7 Q. Okay. What are public matches?

8 A. Like, lobbies.

9 Q. Like, lobbies?

10:30 10 A. Yeah.

11 Q. What's the -- if you're not playing public matches, what's  
12 the alternative? What's the option?

13 A. Nothing.

14 Q. Nothing. You said before sometimes you can play directly  
15 with one other player or something like that?

16 A. Yeah.

17 Q. Okay. Did he say anything about who else you could play  
18 with?

19 A. No.

10:30 20 Q. Okay. So it was either public matches or private matches  
21 with him?

22 A. Yeah.

23 Q. Okay.

24 MS. PARUTTI: Can we go to 2-14 and 2-15, please.

25 Q. Okay. Can you see the sort of highlighted message on 2-14

1 on the left?

2 A. Yeah.

3 Q. What does that say?

4 A. It says, "no public matches."

5 Q. No public matches.

6 That's on 7/12/2014, just a couple days later, right?

7 A. Yeah.

8 Q. Okay. Can you read -- is there actually -- on 2-15, is  
9 there any body in that message?

10:31 10 A. No.

11 Q. Okay. Do you remember what was happening when he sent  
12 that to you?

13 A. Yeah.

14 Q. What?

15 A. He didn't want me to play, like, online.

16 Q. He didn't want you to play online.

17 Did you obey -- when he told you don't play with other  
18 people, did you obey him?

19 A. Sometimes.

10:31 20 Q. Sometimes. And other times?

21 A. I played.

22 Q. Okay. What happened when you would disobey him?

23 A. Well, he usually didn't catch me.

24 Q. He usually didn't catch you.

25 What would you have to do to be able to catch you?



1 A. He could look at my matches that I played.

2 Q. Uh-huh. Is that, like, a stat that everybody can see?

3 A. Yeah.

4 Q. What if he -- can you tell -- by logging onto your own  
5 account, can you tell what your, like, gaming history is?

6 A. Yeah.

7 Q. So if you logged onto your own account with your user name  
8 and password, you could see, like, when you last played or who  
9 you played against?

10:32 10 A. Yeah.

11 Q. Okay.

12 MS. PARUTTI: Could I have 2-11, please, on top, if  
13 possible, and then 2-12 and 2-13 side by side. Okay.

14 Q. So looking at that top one -- and I'll have Ms. Johnson  
15 just blow up that highlighted message. So that's from rrang10.  
16 It says -- can you see it -- "read and save"?

17 A. Yeah.

18 Q. And that's on October 1 of 2014, correct?

19 A. Yeah.

10:33 20 MS. PARUTTI: You can close that.

21 Q. All right. So then, when you open the message, we see it  
22 in 2-12 and 2-13. Ms. Johnson -- can you read that one in 2-12  
23 or you want us to blow it up?

24 A. Blow it up.

25 Q. Okay. "Read and save." And you saved this, right? This

1 one had a little pin in the envelope?

2 A. I think so.

3 Q. Okay. We'll look at it.

4 Can you read us that message?

5 A. "Here is my new phone number save this message don't ever  
6 delete it 570-449-4782 thanks babe i love you so much call me  
7 when" --

8 Q. We'll go onto the next page in 2-13.

9 A. -- "whenever you want and can."

10:33 10 Q. You see the two emojis there with the yellow face and the  
11 hearts? Are those emojis that he had sent to you before, that  
12 you remember?

13 A. No.

14 Q. Sorry?

15 A. No.

16 Q. Okay.

17 MS. PARUTI: You can leave those up.

18 Q. So he gave you the new phone number. Do you remember  
19 whether or not you wrote down his new phone number?

10:34 20 A. No. I just saved it.

21 Q. Where did you save it?

22 A. It was the pinned message.

23 Q. You saved the message on PlayStation?

24 A. Yeah.

25 Q. And now he says there -- he gave you the new phone number.

1 Do you remember whether or not you ever called him on that  
2 phone number?

3 A. Yeah.

4 Q. Okay. And do you remember whether he called your house  
5 from that phone number?

6 A. Yeah.

7 Q. Now, he writes to you and he says, "babe," "thanks babe,"  
8 "I love you so much." Is "babe" something that he had called  
9 you before that day?

10:34 10 A. Sometimes.

11 Q. Sometimes. When would he -- like, what kind of times  
12 would he call you babe?

13 A. I don't know.

14 Q. Well, would he call you that with, like, when he was  
15 talking to you on the mic, like, on the headset?

16 A. Sometimes.

17 Q. Sometimes. Let me ask you this: When you were playing in  
18 public matches, when it was you and him and other people, would  
19 he ever call you babe?

10:35 20 A. No.

21 Q. When it was just you two playing privately together, would  
22 he call you babe?

23 A. Yes.

24 Q. When he talked to you on the phone, whether you called him  
25 or he called you, would he ever call you babe?

1 A. No.

2 Q. Okay. But in this message he called you babe?

3 A. Yeah.

4 Q. Did that surprise you that he called you babe?

5 A. Kind of.

6 Q. What do you mean?

7 A. Like, kind of. Well, not really.

8 Q. Now, he writes, "i love u so much." Was that the first  
9 time that he had said, I love you?

10:35 10 A. No.

11 Q. Okay. Is that something that he had said more than one  
12 time before?

13 A. Yeah.

14 Q. Okay. Do you know how often -- I know it's hard to  
15 estimate numbers. But do you know how often he said "I love  
16 you" to you?

17 A. Like, two or three.

18 Q. Two or three what?

19 A. Like -- I'd say, like, once per every other day.

10:36 20 Q. Once per every other day.

21 You said you guys played, like, every other day?

22 A. Yeah.

23 Q. Would he say that to you every time you played?

24 A. No.

25 Q. Like, every other time you played?

1 A. Yeah.

2 Q. Now, you told us that you got an iPod at some point and  
3 that when you got that you could text message with people who  
4 had Apple devices. Do you know if Robert Rang had an Apple  
5 device?

6 A. No.

7 Q. Sorry?

8 A. No.

9 Q. That was a bad question. Did you -- did he have an Apple  
10:36 10 device?

11 A. No.

12 Q. Did he -- because he didn't have an Apple device, you  
13 couldn't text with him on your iPod, right?

14 A. No.

15 Q. Did he tell you about a way that you could actually start  
16 to text with him?

17 A. Yes.

18 Q. What was that?

19 A. It was the free TextNow app.

10:37 20 Q. How did you find out about it?

21 A. He told me about it.

22 Q. Did he tell you how to get it?

23 A. Yeah.

24 Q. Did you get it?

25 A. Yeah.

1 Q. What did you do with it when you got it?

2 A. I think he texted me.

3 Q. He texted you, okay.

4 MS. PARUTI: Could I have 3-1, please.

5 Q. This is from your iPhone -- excuse me, your iPod. Did you  
6 save Robert Rang's contact information into your iPod?

7 A. Not that I remember.

8 Q. Do you know how it could have gotten there?

9 A. It usually goes there if somebody calls you.

10:37 10 Q. If somebody calls you, it can show up there?

11 A. Yeah.

12 MS. PARUTI: You can close that out.

13 Q. When you have the app, how is it that you can actually  
14 text people if it's not a real phone?

15 A. It's just the same thing as iMessage, just a different  
16 app.

17 Q. So when you want to send a message to somebody, what do  
18 you do?

19 A. You just text it.

10:38 20 Q. You just text it.

21 So do you have to open up the app?

22 A. Yeah.

23 Q. Okay. And do you have to sign into the app?

24 A. I think so.

25 Q. Okay. Now, you said that before you got TextNow you could

1 send iMessages to people. Did you use TextNow to communicate  
2 with anybody except Robert Rang?

3 A. No.

4 Q. Okay. So only Robert Rang?

5 A. Yeah.

6 Q. Okay.

7 MS. PARUTI: Can I have 3-5, please.

8 Q. Now, *Minor A*, you've seen this before today, correct?

9 A. Yeah.

10:38 10 Q. Okay. We went over it when we were preparing for trial;  
11 do you remember or no?

12 A. Yeah, sort of.

13 Q. Sort of remember, all right.

14 Now, this is -- these are messages from your iPod,  
15 okay.

16 MS. PARUTI: If we can blow up the first one, please.

17 Q. Can you see that message there?

18 A. Yeah.

19 Q. Okay. It says, "Thank you for downloading TextNow.

10:39 20 Should you require support, visit us online at..." and then  
21 there's a website. That's on October 26, 2014, correct?

22 A. Yeah.

23 Q. Okay. So is that when you downloaded TextNow?

24 A. Yup.

25 Q. Okay.

1 MS. PARUTI: You can delete that or -- thanks. Let's  
2 go down to the "send" one.

3 Q. So this is one that was sent from TextNow. Now, do you  
4 know -- you said that Robert didn't have an iPhone or an Apple  
5 device. Do you know -- well, strike that.

6 Was this the first -- did you send this text message  
7 to Robert?

8 A. No.

9 Q. Okay. Let's back up for a second.

10:40 10 MS. PARUTI: Let's go from here to there and blow that  
11 all up. I'm going to clear that red line.

12 Q. So this one here, the top one at 9:07 p.m., it says, "This  
13 is fun gg." Do you know what that means, what the "gg" is?

14 A. That means "good game."

15 Q. So did you send this text message from TextNow?

16 A. No.

17 Q. What do you mean "no"? Do you remember sending it?

18 A. No.

19 Q. Do you remember all of the texts that you sent, like, word  
10:40 20 for word?

21 A. No.

22 Q. You see somebody here wrote from TextNow, "This is fun,  
23 good game." And then somebody else wrote, "I know," and then,  
24 "Yup." And then down here, "Sent free from TextNow." It says,  
25 "Left charger in dads car." Do you remember -- did you have a



1 charger for your iPod?

2 A. I might have.

3 Q. Okay. I mean, did you have to charge it sometimes?

4 A. Yeah.

5 Q. At times when your dad wasn't living in your house, would  
6 you go to his house, or would he come to your house sometimes?

7 A. I'd go to his house.

8 Q. Okay. And how would you get back and forth between  
9 houses?

10:41 10 A. The car.

11 Q. The car. So from TextNow it says, "Left charger in dads  
12 car" and then, "Toataly forgot aboute it."

13 MS. PARUTI: Let's unhighlight that.

14 Q. How often did you see your dad when you weren't -- when he  
15 wasn't living in your house, so when he was at his own dad's  
16 house, how often did you see him?

17 A. Like, every week.

18 Q. Like, every week, okay.

19 Did you usually see him on any particular day, or did  
10:42 20 it just depend on his schedule?

21 A. The weekend.

22 Q. The weekends usually, okay.

23 MS. PARUTI: Let's go to the next page, Page 2, of  
24 that exhibit, and we'll just go here and highlight those,  
25 please, and enlarge those. Thank you.

1 Q. So the person writes back to you, "How will u charge ur  
2 phone?" And then text free [sic], "Hes coming tomorrow." Do  
3 you remember if you wrote that?

4 A. Yeah.

5 Q. Okay. Who were you talking about, "Hes coming tomorrow"?

6 A. My dad.

7 Q. Your dad, okay.

8 And then from TextNow it says, "Ill get it then." Do  
9 you remember if you wrote it?

10:42 10 A. I think I wrote that.

11 Q. Okay. And did Robert have TextNow? He didn't have  
12 TextNow, did he?

13 A. Yeah.

14 MR. TENNEN: Objection.

15 THE COURT: Sustained. You can disregard that answer.

16 Q. Somebody that you were texting with, when you were using  
17 TextNow, said, "Can u go back on PS3"? Who was that that you  
18 were texting with when they wrote that?

19 A. That was Rang.

10:43 20 Q. Rang. How did you refer to him?

21 A. Rang.

22 Q. You called him Rang, okay.

23 And that's at 9:50 p.m. And then did you write this,  
24 "to late sorey"?

25 A. Yeah.

1 MS. PARUTI: Can we go down to No. 5, please, on Page  
2 2.

3 Q. So we're on Page 2, and we're looking at some of the texts  
4 back and forth, okay.

5 So you said you were only texting with Rang on  
6 TextNow?

7 A. Yeah.

8 Q. Okay. So he writes, "U just said ur going with ur dad."  
9 "What time will i be on tomorrow?" "I really want to play with  
10:43 10 u so bad we haven't really played since last Thursday its  
11 upsetting me really bad no wait we haven't played since last  
12 Wednesday." And then this last message, "Hes coming over my  
13 house to help me on a project for school." Did you write that  
14 last one?

15 A. Yeah.

16 Q. Okay. Now, in these texts here, did anyone else that you  
17 -- you said you only used TextNow to communicate with Rang,  
18 correct?

19 A. Yeah.

10:44 20 Q. Did anybody else talk -- that you played with ever talk to  
21 you about how often you played with them?

22 A. No.

23 Q. Okay. In this time period, like, in October of 2014 and  
24 the months, like, leading up to it, would you say that you  
25 played with Robert Rang more often, less often, or the same as

1 any other particular person?

2 A. Probably less often.

3 Q. Less often with him, okay.

4 And you said you played with him every other day?

5 A. Yeah.

6 Q. Okay. At some point did you start to play with him less  
7 often or less frequently?

8 A. Yeah.

9 Q. Okay. How did he react when you did that?

10:45 10 A. He didn't really like it.

11 Q. He didn't really like it.

12 How would you know he didn't really like it?

13 A. He would tell me.

14 Q. He would tell you.

15 MS. PARUTI: You can clear that. The next page, No.  
16 6, please.

17 Q. So, for example, this text, "It hurts me when we dont play  
18 i really want to play with the one i love i deleted my real  
19 life friend off PS3 now now its only me and u."

10:45 20 Did he ever tell you about that, besides on these text  
21 messages, that you were the one that he loved?

22 A. I think so.

23 Q. Like, how?

24 A. He'd just tell me.

25 Q. Tell you, like, on the phone or over PlayStation or

1 something else?

2 A. Both.

3 Q. Both of them, okay.

4 MS. PARUTI: Can we go to the next one, Page 3.

5 Q. It says, "Ok? What time can we play?" "The best part of  
6 my day is when we talk and play." Did you write, "Around 530"?

7 A. I think so.

8 Q. And then he writes, "And no more *Minor Friends* i really  
9 don't like them hanging out with u they're rude." Who's *Minor*  
10:46 10 *Friends*?

11 A. They're my friends.

12 Q. Are they friends that you know in your real life?

13 A. Yes.

14 Q. How old are they?

15 A. *Minor Friend* is in eighth grade, and *Minor Friend* is in my  
16 grade.

17 Q. Okay. *Minor Friend* is in eighth grade now?

18 A. Yeah.

19 Q. So two years ahead of you?

10:46 20 A. Yeah.

21 Q. Did Rang know *Minor Friends*?

22 A. Yeah.

23 Q. Okay. And how do you know Rang knew *Minor Friends*?

24 A. Because I used to play with them.

25 Q. You used to play with them.

1                   At the same time that Robert Rang would play with  
2                   them?

3           A.     Sometimes.

4           Q.     Would you talk about *Minor Friends*?

5           A.     Not really.

6           Q.     Okay. How did he know about *Minor Friends*?

7           A.     Because they used to play with him, like, a lot.

8           Q.     When you were there or when you weren't there or both?

9           A.     Both.

10:47 10           MS. PARUTI: Can we go to the second page, please.

11           Q.     So in this section starting on October 26th, so that same  
12           night, right before 10:00, I'm going to give you a second, and  
13           I'll read it out loud for you. It says, "Good trust me ill  
14           have a bad day tomorrow i have court so ill be argueing alot in  
15           there and after all that i just want to spend the time with u  
16           because all i care about anymore is u i love u so much all i  
17           think about is u all day ur the first person i think of when i  
18           get up and the last person i think about before i go to sleep.  
19           Please promise me something. We will play every day."

10:48 20           Was that the first time that Robert Rang had told you  
21           that you were the first person that he thinks about when he  
22           gets up in the morning?

23           A.     Yeah.

24           Q.     Okay. Was that the first time that he told you you're the  
25           last person he thinks about before he goes to sleep?

1 A. Yeah.

2 Q. Did he usually talk to you or -- let me rephrase that.

3 How often did he talk to you sort of like right before  
4 bedtime?

5 A. Sometimes.

6 Q. Sometimes, okay.

7 MS. PARUTTI: Can we go to the next section, please.

8 Q. So right after that, he says, "Im thinking about comming  
9 to see u in November would u like that?" And then did you  
10:48 10 write, "Its about to die"?

11 A. Yeah.

12 Q. Okay. What did you mean it was about to die?

13 A. My iPod.

14 Q. Your iPod, okay.

15 Did you know before he wrote that to you that he was  
16 planning to come visit you in person?

17 A. Not that I know.

18 Q. Okay. Had you talked about meeting up in real life before  
19 that time?

10:49 20 A. I think so.

21 Q. Okay. Do you remember, like, sort of what the -- what you  
22 were talking about when you were talking about coming to meet  
23 in real life?

24 A. No.

25 MS. PARUTTI: Then on the next page, please.

1 Q. And he writes, "I guess let me know tomorrow good night  
2 babe love u can't wait to play tomorrow i miss playing with u  
3 so much."

4 Was there anybody else in your life at that time who  
5 called you babe?

6 A. No.

7 Q. Was there -- he said, "I miss playing with u so much." Do  
8 you know, was there a particular reason why you weren't, like,  
9 playing with him as often?

10:49 10 A. I think so.

11 Q. Okay. Do you know what it was?

12 A. No.

13 Q. Okay.

14 MS. PARUTI: You can clear that.

15 Q. On the next page, so he writes "love u." And then reply  
16 from TextNow, "u too." Did you write "u too"?

17 A. Yeah.

18 Q. How often did you tell Robert Rang that you loved him  
19 back?

10:50 20 A. Sometimes.

21 Q. Okay. How did you feel about him by this point?

22 A. I didn't really like him at all, but every time I said  
23 that, I said yeah, because he would give me the PlayStation  
24 cards and stuff.

25 MS. PARUTI: Can we go down to 12, please.



1 Q. So this is the next day, 10/27/14, at 6:00 p.m. And he  
2 writes, "Can u call me fast? It will take 2mins I swear.  
3 Please." Did you write this from TextNow, "How do i call?"  
4 Sorry. I'm going too fast.

5 A. Yeah.

6 Q. And then he writes, "From ur house phone. Please. Wont  
7 take long. It's important ?" Then you wrote -- well, did you  
8 write, "Yup"?

9 A. I think so.

10:51 10 Q. Okay. Did you write, "Love u alot"?

11 A. Yeah.

12 MS. PARUTI: Can you go to -- actually, can you go to  
13 13-4, please. Okay. So right here. Thank you.

14 Q. So you see at -- on that same date, at 18:02, which is 6  
15 p.m., is that your house phone number here, 774 --

16 A. Yeah.

17 Q. Okay. And then this was Rang's number, correct? So your  
18 house phone called Rang's number for three minutes after he  
19 asked you to call.

10:52 20 A. Yeah.

21 Q. Do you remember specifically what you were talking about  
22 on that day?

23 A. No.

24 Q. Huh?

25 A. No.

1 Q. No, okay. When you -- you said before that you would talk  
2 in your room, when you were talking on the phone to Robert  
3 Rang, how loudly or quietly would you talk on the phone?

4 A. Like, normal.

5 Q. Sorry?

6 A. Like, normal.

7 Q. So your normal voice. So, like, the voice you're using in  
8 here today?

9 A. Yeah.

10:52 10 Q. Do you remember on that specific night, right before your  
11 bedtime, whether or not you were speaking with the door open or  
12 closed?

13 A. Probably closed.

14 Q. Okay. When you say "probably closed," why do you say  
15 "probably closed"?

16 A. Because I always shut my door.

17 Q. Do you know on that day whether or not -- well, let me ask  
18 you this: When you would talk to Robert Rang on the phone,  
19 would you, like, tell your grandmother or grandfather that you  
10:53 20 were talking to him?

21 A. I don't think so.

22 Q. Okay. Do you know if they knew that you were talking to  
23 him?

24 A. No.

25 MS. PARUTI: Okay. 13, please. 3-5, please, Page 6.

1 Q. And so that after the phone call at 6:05 p.m., "Thanks for  
2 understanding i really do love u so much." Then did you write,  
3 "u t." What is that "t" supposed to be?

4 A. "You too."

5 Q. You too. Is that just a typo?

6 A. Yeah.

7 Q. And then -- we're coming to a close with this exhibit.

8 MS. PARUTI: So we're down to 14, please.

9 Q. He writes, "Ok just please follow what i said this is a  
10:54 10 good start to show me i can allow it more often ok?" So that's  
11 that same day, like, ten minutes or so, 12 minutes later.

12 Do you know what -- what did you take that to mean?

13 A. I can't remember.

14 Q. Sorry?

15 A. I can't remember.

16 Q. You can't remember, okay.

17 When he would tell you he would allow -- what would he  
18 be allowing you to do?

19 A. I think it was to play public matches.

10:54 20 Q. To play public matches, okay.

21 MS. PARUTI: Let's go to Page 8, please, for 17.

22 Q. So this is that same night, about an hour and a half  
23 later, at 7:44. He writes, "Remember no gta online i see you  
24 going on there." GTA, that was Grand Theft Auto?

25 A. Yeah.

1 Q. Okay. And was this you that wrote, "I know no online"?

2 A. Yup.

3 Q. Then he writes, "Thanks ur the best boyfriend." Had he  
4 ever called you his boyfriend before that night?

5 A. I don't think so.

6 Q. Okay. And how did you take that?

7 A. I think I just ignored it.

8 Q. You think you just ignored it, okay.

9 Did you think that he was your boyfriend?

10:55 10 A. No.

11 Q. Okay. Did he say things that made you think -- strike  
12 that.

13 Did he talk about being your boyfriend or dating or  
14 anything like that besides that before this point?

15 A. No.

16 MS. PARUTTI: On the next page, 18.

17 Q. He said, "Ur the best boyfriend." Here did you write, "I  
18 know," from TextNow?

19 A. I might have.

10:56 20 Q. Okay. Was anybody else using your phone?

21 A. No.

22 Q. Or your iPod? Sorry.

23 A. No.

24 Q. Then he wrote, "I want to kiss u so bad." Was that the  
25 first time or had he ever asked you before that or talked to

1 you before that about kissing you specifically?

2 A. No.

3 Q. Okay. Then he says, "Can i ask you something do u think  
4 im sexy?" Had he ever asked you that before?

5 A. No.

6 Q. Okay. Did you know what he looked like?

7 A. I think so.

8 Q. Okay. Had you seen pictures of him?

9 A. Yeah.

10:56 10 Q. Okay. And what kind of pictures of him did he send you or  
11 did you see?

12 A. It was just his profile.

13 Q. His profile. On what?

14 A. Facebook.

15 Q. On Facebook. What did that show you about him?

16 A. Just showed him. He was wearing a hat.

17 Q. Just wearing a hat. So his face you could see?

18 A. Yeah.

19 Q. And then one last question on the next page. He writes  
10:57 20 here, "Im trying to hurry text me when u need to go to sleep i  
21 love u." And then the last three, "You to. You to. Going to  
22 sleep love u," from TextNow.

23 Did he ask you to -- did you frequently text him or  
24 tell him in some way before you were going to bed?

25 A. Sometimes.

1 Q. Sometimes, okay.

2 And you had -- this was just a day after you got the  
3 texting application, right, TextNow?

4 A. Yeah.

5 Q. So the texting was new to you?

6 A. Yeah.

7 MS. PARUTTI: Your Honor, this might be a good place to  
8 break if the Court wishes to.

9 THE COURT: Okay. Let's do that. We're going to take  
10:58 10 a 20-minute break. First thing we do is all rise for the jury.  
11 (The jury left the courtroom at 10:58 a.m.)

12 THE COURT: *Minor A*, you can step down now for the  
13 break. You're going to have to come back up after the break.

14 Are there any matters we need to deal with before we  
15 break?

16 MS. PARUTTI: I don't think so. Thank you.

17 THE COURT: We'll take a little break then.

18 THE CLERK: Court is in recess. All rise.

19 (Recess taken at 11:00 a.m.)

11:22 20 (Court in at 11:22 a.m.)

21 THE COURT: The jury is just outside. I take it  
22 there's nothing we need to do?

23 MS. PARUTTI: Would you like the witness on the stand?

24 THE COURT: Sure. You might as well come on up. The  
25 rest of you can sit down while the jury is lining up outside.

1 (The jury entered the courtroom.)

2 MS. PARUTI: May I continue?

3 THE COURT: Yes, you may.

4 Q. Minor A, before I ask you more real questions, can you  
5 just say your name into the microphone again. I want to see if  
6 it works better now.

7 A. Minor A.

8 Q. Same as before. Keep your voice up, okay?

9 So do you remember -- so you got your TextNow app on  
11:25 10 October 26th. We were looking at some texts from the 26th and  
11 27th. Do you remember specifically whether or not you were  
12 deleting them or if they just deleted themselves?

13 A. I think he deleted them.

14 Q. Okay.

15 MS. PARUTI: So if I could have 3-6 now, please.

16 Q. When you say you think he deleted it, what do you mean by  
17 that?

18 A. Like, I couldn't see the message.

19 Q. You couldn't see the message anymore?

11:26 20 A. Yeah.

21 Q. Did you give Robert Rang your log-on information for the  
22 TextNow?

23 A. I think he was the one that set it up.

24 Q. He set it up for you, okay.

25 MS. PARUTI: Could I have 3-6, please. I don't know

1 if Madame Clerk needs to hit a button for me to be able to see  
2 what's on the computer. I know we just restarted. Actually,  
3 that's for all. For all parties, please.

4 Q. So, *Minor A*, these are some more text messages that were  
5 taken off of your phone. We're going to look at -- so we're  
6 looking at some messages from October 27th at 10:20 p.m. So  
7 after those other messages we already looked at. And now it  
8 has "contact Robert Rang" with a phone number that we've seen  
9 before. You said that his contact went into your phone?

11:27 10 A. Yes.

11 Q. You know, that microphone isn't making your voice louder  
12 so you don't have to lean over. If you can talk loudly enough  
13 for me to hear you, that would be good, okay.

14 Robert Rang writes, "Hey i want u to know i got home  
15 and got a call from sony u got reported at least 4times while u  
16 played alone they wanted to pull your account i stopped them  
17 and said u wont play alone no more for a while unless i play  
18 they said ok just wanted to let u know well message me as  
19 soon as u get home and ur ready to play ill come on and play as  
11:28 20 soon as ur ready i love u *Minor A* cant wait to play tomorrow."

21 What did you take -- when he said Sony told him that  
22 you got reported, how did you understand that?

23 A. Like, what do you mean?

24 Q. So did you know what he meant by Sony said you got  
25 reported four times?



1 A. Yeah.

2 Q. What did that mean?

3 A. It means, like -- I can't really explain it.

4 Q. Let me ask a better way. Is there a way for players to  
5 report other players for doing things they don't like?

6 A. Yeah.

7 Q. Okay. So how do you do that if you're a player? What can  
8 you report people for?

9 A. You can report them for cheating, for, like, cheating  
11:29 10 pretty much.

11 Q. Okay. What about if somebody uses bad language or  
12 something like that, is there a way to report that?

13 A. Yeah.

14 Q. When you told us earlier that Robert Rang told you he  
15 worked for Sony, did he ever talk to you before this text  
16 message about you getting reported for doing things online?

17 A. No.

18 Q. Okay. And so when -- did you know when he wrote this to  
19 you if you actually did get reported for anything?

11:29 20 A. No.

21 Q. So this one, Robert Rang writes, "Message me when ur ready  
22 to play." This is the next day at 4 p.m. "I miss u so much i  
23 cant wait to play tonight love u babe. Cant wait till June."

24 And then you wrote back -- well, the TextNow wrote,  
25 "But i didnt even talk." And then a couple seconds later, "Im

1 on." Did you write that, "But I didnt even talk"?

2 A. Yeah.

3 Q. What did you mean by that?

4 A. I think it was for the last message when, like, I got  
5 reported or whatever.

6 Q. So when you say, "I didnt even talk," what does that  
7 mean?

8 A. Like, I didn't use the mic.

9 Q. When you were playing the game?

11:30 10 A. Yeah.

11 Q. Did Robert tell you before that date not to play using the  
12 mic with other people?

13 A. Yeah.

14 Q. Okay. Did you know -- when he says here, "Cant wait till  
15 June," did you know what he was talking about at that point?

16 A. I think he was planning to come and see me in June.

17 Q. Okay. How did you know about that?

18 A. I think he told me.

19 Q. Okay. Do you remember specifically what he said about  
11:30 20 that?

21 A. No.

22 Q. Okay.

23 MS. PARUTI: Let's go to the next one, please, Page 3.

24 Q. That night, the 28th, at 8:40 p.m., Robert Rang writes,  
25 "Love u babe im getting a car lol." What's "lol" mean?

1 A. "Laugh out loud."

2 Q. Then he wrote some time after that, at 9:21 p.m., "OMG i  
3 love u so much ur making my dick ao hard can we masturbate babe  
4 im so hard we can do it super fast if not its okay."

5 When you got that, when he said, "Ur making my dick so  
6 hard," did you know what he was talking about?

7 A. Yeah.

8 Q. Okay. What was he talking -- what did you understand him  
9 to be talking about?

11:32 10 A. Like, his dick getting bigger.

11 Q. His dick getting bigger, okay.

12 Just so that we're really clear -- and I know this is  
13 kind of an embarrassing question -- but do you know what  
14 another word that a grownup might use for the word dick?

15 A. The penis.

16 Q. Penis. Is it okay with you if I use the word penis?

17 A. Sure.

18 Q. So this next text right below that -- and I can't use my  
19 screen anymore. If you don't know what I'm talking about, make  
11:32 20 sure to tell me, okay.

21 "Choose the best one not the big yellow woeld no we  
22 cant srry," did you write that?

23 A. I think so.

24 Q. When you said, "Choose the best one not the big yellow  
25 woeld," what is that referring to?

1 A. I have no idea.

2 Q. Is that something -- do you know whether it has anything  
3 to do with one of the games you were playing?

4 A. I think it was to do with Minecraft.

5 Q. With Minecraft. Is that a game that you would play with  
6 Robert Rang online?

7 A. Yeah.

8 Q. Do you remember specifically with this conversation about  
9 the masturbation whether or not you were playing at the same  
11:33 10 time you were texting?

11 A. No.

12 Q. You don't remember?

13 A. No.

14 Q. Okay. He then says, "Ok and its ok i understand u dont  
15 want to its ok not mad ill do it later by myself i wish i had a  
16 few pics of u naked."

17 Did you know what he was talking about when he said,  
18 "i wish i had a few pics of u naked"?

19 A. Yeah.

11:33 20 Q. What did you understand him to be talking about when he  
21 said that?

22 A. Of me with no clothes.

23 Q. Of you with no clothes on.

24 How did you know that's what he meant when he was  
25 writing that to you on that night?

1 A. Because I know.

2 Q. Because you know.

3 Let me ask you this: Was that -- had he -- before  
4 that night, had he asked you or talked to you about  
5 masturbation?

6 A. Probably.

7 Q. What are some of the -- let me ask you this: Did -- when  
8 he typed this to you in October -- so this was pretty close to  
9 when your iPod got taken away, right?

11:34 10 A. Yeah.

11 Q. So at this point, right before your iPod got taken away,  
12 when he typed that, did you know what he meant by masturbate?

13 A. Yeah.

14 Q. Okay. At some point before you got this message, like  
15 before, did he ever use the term "masturbate" with you before  
16 and you didn't know what he meant?

17 A. Yeah.

18 Q. Okay. So the first time -- did he use the term masturbate  
19 with you more than one time?

11:34 20 A. Yeah.

21 Q. Okay. The first time that he used the term masturbate  
22 with you, did you know what he meant?

23 A. No.

24 Q. Okay. Did you tell him that, or did you ask him what it  
25 meant or what it was?

1 A. Yeah.

2 Q. Okay. And when you asked him what masturbate meant or  
3 what it was, how did he respond to you?

4 A. He said you, like, take your palm of your hand and you go,  
5 like, up and down on your penis.

6 Q. Okay. When he was telling you that stuff, is that  
7 something he told you on the telephone or over the mic?

8 A. I think it was both.

9 Q. Okay. So you talked to him on more than one occasion  
11:35 10 about rubbing your hand on your penis?

11 A. Yeah.

12 Q. Did he ever do anything else to help you understand what  
13 masturbating was?

14 A. No.

15 Q. Okay. Did he ever send you any pictures of people  
16 masturbating or any links to people masturbating or doing  
17 things like that?

18 A. Yeah, links.

19 Q. Links?

11:35 20 A. Yeah.

21 Q. How did he send you links about that?

22 A. I think he had messaged me.

23 Q. When you say message, on what, like, platform?

24 A. The PlayStation.

25 Q. On the PlayStation, okay. So we're going to come back to

1 that in a second.

2 Had he ever -- you said he talked about masturbating  
3 on the PlayStation mic and then also on the phone. Did he ever  
4 tell you whether or not he was masturbating when he was talking  
5 to you?

6 MR. TENNEN: Objection.

7 A. Yes.

8 THE COURT: Sustained. Disregard that. Please ask a  
9 question like that in a nonleading fashion.

11:36 10 MS. PARUTI: Sure.

11 Q. Did he ever talk to you about -- you said that he talked  
12 to you about masturbating, correct?

13 A. Yeah.

14 Q. When you were talking on the phone with him or on the mic,  
15 did he ever talk about him masturbating?

16 MR. TENNEN: Object.

17 THE COURT: Sustained. Please ask a non-yes-or-no  
18 question.

19 Q. Did he ever talk to you -- well, let's say it this way.  
11:36 20 What did Robert Rang talk to you either on the telephone or  
21 over the mic about him masturbating?

22 MR. TENNEN: Objection.

23 THE COURT: Sustained. Just ask a nonleading  
24 question, please.

25 Q. Did he ever talk to you about masturbation?

1 A. Yes.

2 Q. Okay. And where would you be talking when he would be  
3 talking to you about masturbation?

4 A. Over the phone.

5 Q. On the phone. Where physically would you be in your house  
6 when he would be talking to you about masturbation?

7 A. In my room.

8 Q. In your room. Would your door be opened or closed?

9 A. Closed.

11:37 10 Q. What types of things would he be saying or doing on the  
11 phone when that would be happening?

12 MR. TENNEN: Objection.

13 THE COURT: That's a compound question. Let's start  
14 with one part of it, and we can figure out what happens next.

15 Q. What types of things would he be saying on the phone with  
16 you?

17 A. Nothing much.

18 Q. Nothing much. Could you hear him making any noises?

19 MR. TENNEN: Objection.

11:37 20 THE COURT: Overruled.

21 A. No.

22 Q. Okay. So you said -- so on the phone, when you would be  
23 in your room, how would you -- what would he be saying? You  
24 said "nothing much." How would you know it was about  
25 masturbation?



1 MR. TENNEN: Objection.

2 THE COURT: I'll allow it. This one you can answer.

3 What was he saying to you?

4 A. Nothing.

5 Q. Okay. Did you ever hear him masturbating on the phone?

6 MR. TENNEN: Objection.

7 Q. Let's move on for a second.

8 Now, do you know about how many times he talked about

9 masturbation to you either -- in any way, phone or any other

11:38 10 way, like text or message?

11 A. Like, multiple times.

12 MR. TENNEN: Objection.

13 Q. What?

14 A. Like multiple times.

15 THE COURT: That's fine. I'm allowing it.

16 Q. Now, you said that when he wrote that text, "I wish I had

17 a few pics of you naked," you said that you knew that he was

18 talking about your body naked. Specifically, what part of your

19 body did you know he was talking about?

11:39 20 A. The penis.

21 Q. Okay. How did you know he was talking about your penis?

22 A. Just obvious.

23 Q. It was obvious. Prior to that message in October, on

24 October 28th, had he ever asked you questions like that before?

25 A. Not that I can remember.

1 Q. Okay. Now, what made it obvious to you that he was  
2 talking about your penis?

3 A. He was talking about it, like, before.

4 Q. What do you mean by that?

5 A. Like, I don't know.

6 Q. I know it's hard to explain, but I need to understand what  
7 you're talking about.

8 A. Repeat the question.

9 Q. Sure. So you said he was talking about -- you knew  
11:39 10 because he was talking about it before. So what do you mean by  
11 that?

12 A. Like, the masturbating stuff.

13 Q. Like, the masturbating stuff, okay.

14 MS. PARUTI: Could I have Exhibit 2-27, please.

15 Q. *Minor A*, can you see what's on the screen?

16 A. What do you mean?

17 Q. Sorry?

18 A. What do you mean.

19 Q. Do you have a picture on your screen?

11:40 20 A. Yeah.

21 Q. Can you see that, like, keyboard looking thing?

22 A. Yeah.

23 Q. What is that?

24 A. That's the thing you would text to other people.

25 Q. On PlayStation?

1 A. Yeah.

2 Q. Okay.

3 MS. PARUTTI: Can I have 2-22, please.

4 Q. Do you know what this is?

5 A. Yeah.

6 Q. What's that?

7 A. It's the memory.

8 Q. The memory. Can you explain what that means to me?

9 A. It's, like, the -- everything that I, like, searched.

11:40 10 Q. That you searched?

11 A. Yes.

12 Q. On PlayStation?

13 A. I think so.

14 Q. Okay. So when you --

15 MS. PARUTTI: Can I go back to 2-27, please.

16 Q. So we're at 2-27. You said that's how you typed things  
17 in?

18 A. Yeah.

19 Q. You can see it says "internet search" at the top?

11:41 20 A. Yes.

21 Q. How did actually make the numbers and letters go in?

22 A. You can type "X" on the letter and it will type in.

23 Q. So using your controller?

24 A. Yeah.

25 MS. PARUTTI: Let's go back to 2-22, please.

1 Q. You said this is the memory or these are the different  
2 things that you had looked at on the internet using your  
3 PlayStation?

4 A. Yeah.

5 Q. So looking at some of these ones, do you see about -- it  
6 says, "Spy Cocks - Scene 1 video - Gaytube.com," and then "Free  
7 Gay Porn Videos" and "Gay Porno," "18 Boy," "First Hand Job -  
8 Part 2," "Free Live Sex Chat." Are those things that you would  
9 type into the search feature?

11:42 10 A. I think he told me to search those.

11 Q. Okay. What do you mean by that?

12 A. Like, he would send the link, and then I would, like, put  
13 it in.

14 Q. How would he send you the link?

15 A. Through the message.

16 Q. Through the message of what?

17 A. The PlayStation.

18 Q. Okay. And then when you said you would put it in, where  
19 would you put it in?

11:42 20 A. In the search bar.

21 Q. In the search bar. And then would you do that -- would it  
22 -- when you put it in the search bar, what would happen?

23 A. It would pop up with, like, the website.

24 Q. Okay. So you could access the actual internet on your  
25 PlayStation?

1 A. Yeah.

2 Q. And the things that -- so you said he sent you -- or told  
3 you to put these things in. What types of things would you see  
4 on the video when these links would come up?

5 A. Like, people, like, naked and stuff.

6 Q. What types of people?

7 A. Like, men.

8 Q. Like, men?

9 A. Okay.

11:43 10 Q. Were they adult men or --

11 A. Adult.

12 Q. Adult men, okay.

13 What types of things would they be doing?

14 A. They would be, like, masturbating and stuff.

15 Q. Okay. And you said -- so now you know what masturbating  
16 is.

17 Did -- let's go back to the messages for a second.

18 We'll come back to this.

19 Those links that we just saw, did you -- you said he  
11:43 20 would tell you to type them?

21 A. Yeah.

22 Q. Would he tell you what to write in or send you a link or  
23 both?

24 A. He'd tell me what to write in.

25 Q. What to write in to search?

1 A. Yeah.

2 Q. You had talked about links before, you mentioned in one of  
3 your answers. What did you mean about links?

4 A. Well, nothing really about him. He told me to search up  
5 the links.

6 Q. All right.

7 MS. PARUTI: We're looking at -- excuse me. This is  
8 2-8 and 2-9. You can clear the screen or just black it out for  
9 now.

11:44 10 Q. When you said that he asked you to send naked pics, what  
11 specifically did he ask you to send?

12 A. I don't think he said anything.

13 Q. Okay. What do you mean?

14 A. Like, I don't think he said, like, about it.

15 Q. Okay. Do you remember talking to an investigator named  
16 Scott Kelley?

17 A. Yeah.

18 Q. Okay.

19 THE COURT: Ms. -- do you want to have a sidebar?

11:45 20 MS. PARUTI: Sure.

21 (No sidebar held.)

22 MS. PARUTI: Can I have 2-8 and 2-9, please.

23 Q. After Robert Rang said, "I wish i had a few pics of u  
24 naked," did you send him any pictures?

25 A. No.

1 Q. Did you want to send him any pictures?

2 A. No.

3 Q. I'm looking right now back at the messages that we had  
4 looked at before.

5 MS. PARUTTI: On 2-8, on the left, 10/29, we'll look at  
6 2-9 and blow that up.

7 Q. It says this is from rrang10 and it says, "And ur not  
8 answering back any of my texts y not babe? I need to talk to u  
9 i love u please message me as soon as ur on please." See how  
11:46 10 it says, "Sent from a device other than a PS3 system"?

11 A. Yeah.

12 Q. Do you know what that means?

13 A. He was either texting me from a PlayStation portable or on  
14 his phone. He had an app that you could text from.

15 Q. How did you know that he had an app that he could text  
16 from?

17 A. Because I had it.

18 Q. Did you type this actual text?

19 A. No.

11:47 20 Q. After your nanna found the messages from him asking about  
21 masturbating and naked pics, were you allowed to use your PS3?

22 A. I can't remember.

23 Q. Okay. At some point did somebody take it from your house?

24 A. Yeah.

25 Q. Okay.

1 MS. PARUTI: Can we go to 2-7, please, and 2-6.

2 Q. When they took it from your house, did you have another  
3 PlayStation you could use?

4 A. No.

5 Q. Okay. We're looking at 2-7 on the left. You see a  
6 message on October 30 of 2014. It says, "I miss u so much."  
7 And then 2-6 on the right, can you read what that says, the  
8 bright one?

9 A. "Can we please play"?

11:48 10 Q. "Can we please play."

11 MS. PARUTI: Let's go to 2-4 and 2-5.

12 Q. On the left, 2-4, October 31st, it says, "Read." Then on  
13 the right, on 2-5, it says, "Where are u *Minor A*? Here is  
14 another day we didnt play im crying again i cant stand not  
15 playing with you please come on tomorrow so we can play please  
16 i love u so much."

17 Okay. Were you allowed to play with Robert Rang after  
18 your nanna found your iPod?

19 A. I think that's when you guys took it.

11:48 20 Q. That's when the police took it?

21 A. Yeah.

22 Q. Okay. Let's go back to the messages on your TextNow  
23 account.

24 MS. PARUTI: Exhibit 3-6, please.

25 Q. So we just looked at those --



1 MS. PARUTI: Before you blow that up.

2 Q. We had just looked at the messages that we had talked  
3 about. After Rang sent the message about masturbating and the  
4 naked pics, were you allowed to use your iPod to talk to him?

5 A. No.

6 Q. Did you ever get your iPod back?

7 A. No.

8 Q. Okay.

9 MS. PARUTI: Let's go to the next page, please.

11:49 10 Sorry, Page 4, No. 5.

11 Q. These are text messages from the 29th. He says, "Y are u  
12 being so mean and ignoring me? I'm putting the temporary lock  
13 on ur account again u come on and just ignore me im tired of  
14 this ur account is locked so u know." And then it says "missed  
15 call." What is a lock on your account, do you know?

16 A. I think he just changed the password.

17 Q. Okay. What makes you think that?

18 A. Because you can't really lock an account.

19 Q. Okay. Did you know that at the time?

11:50 20 A. Yeah.

21 Q. Okay. Did you ever talk -- see down the bottom at 8:00  
22 where it says, "Missed call from Robert Rang"?

23 A. Yeah.

24 Q. Did you ever use that iPod to talk to him like a  
25 telephone?

1 A. No.

2 Q. Okay.

3 MS. PARUTTI: Down to 6, please.

4 Q. Robert Rang writes, "U know what fuck it im tired of  
5 playing these games u come on u read my messages ignore and  
6 switch to ur other account then you logged off a little while  
7 ago then come back on it. Ignore me. I know ur playing with  
8 *Minor Friend* so heres whats happening im breaking up with you  
9 and im blocking your account and im saying goodbye." Did you  
10 think you were in a relationship with him?

11 A. No.

12 Q. Okay. Did he talk to you in any way that made you think  
13 that he was in a relationship with you?

14 A. Yeah.

15 Q. Okay. Can you tell me about that a little bit?

16 A. He always said that, like, I love you and stuff.

17 Q. Did he ever say anything else when he was talking to you  
18 or do anything else when he was talking to you that made it  
19 seem like he was in a relationship with you?

11:51 20 A. No.

21 Q. Okay. Now, did you ever send messages to him on PS3?

22 A. No.

23 Q. Okay. Do you know, if you can tell, did anything he'd do  
24 or say to you make you know whether he could tell when you  
25 actually read the messages that he sent?

1 MR. TENNEN: Objection, your Honor.

2 THE COURT: I'll allow it.

3 A. No.

4 Q. Okay.

5 MS. PARUTTI: 7, please.

6 Q. So this group of messages was sent at 10:38 -- excuse me,  
7 10:30. Robert Rang writes, "Unless u text me and we talk about  
8 all this im just really upset and thats okay and im really hurt  
9 seems like u dont love me anymore u dont come on much anymore  
11:52 10 when u do u ignore me u say u love me but im starting to think  
11 u dont im sitting here crying and ill text you back and ill  
12 unblock ur account i swear if u never text me youll never get  
13 ur account back because i don't know what to think any more im  
14 so worried about our relationship seems like u dont want to be  
15 with me no more please text so we can talk please talk babe i  
16 love u so much ill do anything to keep u please talk to me."

17 Do you know if you actually got these messages?

18 A. No.

19 Q. And then, finally, down on 8, please, this is that same  
11:53 20 day, 10/30. He says, "I really want to play with u since  
21 Friday u wont be home or on and also i might be coming out  
22 within the month of November to see u i really want to be with  
23 u in person i really really really want us to live together  
24 that would make me more happy than u will ever know ur the love  
25 of my life and i never want to lose what we have our love is so

1 strong when we dont talk for one day i get worried about u  
2 because i love u that much i love u *Minor A* forever and  
3 always." You told us that he said he loved you before. Did he  
4 ever tell you before you were the love of his life?

5 A. Yeah, once.

6 Q. One time. Was that something he did -- how did he tell  
7 that to you?

8 A. I forget.

9 Q. Okay. So do you understand what I'm asking?

11:54 10 A. Yeah.

11 Q. Okay. Do you remember, did he talk to you about coming  
12 out in the month of November to see you?

13 A. Yeah.

14 Q. Okay. Do you know what -- did he tell you any specifics  
15 about his plan to come out and see you?

16 A. No.

17 Q. When he was telling you that he loved you and that you  
18 were the love of his life, how did that make you feel?

19 A. I don't know.

11:55 20 Q. Okay. Did you like it?

21 A. No.

22 Q. Okay. Did you share those feelings?

23 A. No.

24 Q. Okay. When he talked to you about masturbating, how did  
25 that make you feel?

1 A. It was pretty weird.

2 Q. Okay. And what was his tone of voice, like, when he would  
3 talk to you about that?

4 A. Normal.

5 Q. Okay, normal. What do you mean by that?

6 A. Like, how I'm talking.

7 Q. Like, how you're talking so, like, matter of fact.

8 What could you hear him -- what else could you hear  
9 while he was talking about that?

11:56 10 A. Nothing.

11 Q. Okay.

12 MS. PARUTI: Could I just have a moment, your Honor?

13 One more question.

14 Q. How many times did he ask you to send him naked pics?

15 A. Like, one through five, I think.

16 Q. Like, one through five. What do you mean by that?

17 A. Like, five -- well, no. I think only, like, once.

18 Q. Okay. When you say you think only, like, once, what do  
19 you mean? I just have to understand what you mean.

11:56 20 A. Like, once.

21 Q. Okay. Do you remember how he did that?

22 A. He messaged me.

23 Q. He messaged, okay.

24 So when you say, like, one through five, what does  
25 that mean?

1 A. I didn't say it right.

2 Q. You didn't say it right.

3 Do you remember him asking you more than one time?

4 A. Possibly twice, not, like, more than twice though.

5 Q. The other time besides in the message, how did he ask  
6 that?

7 A. I think through the phone.

8 Q. Okay. When you say "the phone," do you mean your house  
9 phone or do you mean a different phone?

11:57 10 A. The house phone.

11 Q. When he asked you that other time on the house phone, do  
12 you remember specifically, like, what he was asking for?

13 A. Yeah.

14 Q. What?

15 A. The naked pictures.

16 Q. Of you?

17 A. Yeah.

18 Q. And specifically of what part of you?

19 A. The penis.

11:57 20 Q. Okay. Was anybody else in the room with you when he asked  
21 you that?

22 A. No.

23 Q. Okay. Did you -- how did you answer him when he asked you  
24 for naked pictures of your penis?

25 A. I think I said no.

1 Q. Did you send them?

2 A. No.

3 MS. PARUTI: Thank you.

4 THE COURT: Mr. Tennen, do you have any  
5 cross-examination?

6 MR. TENNEN: Yes.

7 CROSS-EXAMINATION BY MR. TENNEN:

8 Q. Hi, *Minor A*. My name is Eric Tennen. I'm also a lawyer  
9 and I'm going to ask you some questions too.

11:58 10 A. Okay.

11 Q. Just, like, before, if you don't understand something,  
12 please just say you don't understand it, okay?

13 A. Okay.

14 Q. If you don't know, just say you don't know and we'll move  
15 on, okay?

16 A. Okay.

17 Q. Is this your first time in a courtroom like this?

18 A. Yes.

19 Q. Before coming here, did you have meetings with any of the  
11:58 20 attorneys here or maybe some of the agents just to kind of go  
21 over some of the things they might ask you?

22 A. Yeah.

23 Q. Do you remember how many times you may have met with them?

24 A. Like, four.

25 Q. Four times. Were they just kind of going over the

1 questions they might ask you or some of the questions you might  
2 hear in the courtroom?

3 A. Yeah.

4 Q. Yeah. Before you came in today, did you sort of feel  
5 comfortable knowing what kinds of questions you were going to  
6 get?

7 A. Yeah.

8 Q. Sort of felt comfortable knowing what the answers were  
9 going to be to those questions?

11:59 10 A. Yeah.

11 Q. Do you remember the first time you talked to any kind of  
12 police officer in this case?

13 A. No.

14 Q. No. Was it at your house? Do you remember talking to a  
15 police officer at your house?

16 A. Yeah.

17 Q. You do. And do you remember if anyone else was there,  
18 like maybe your grandmother?

19 A. Yeah.

11:59 20 Q. You do. Was that maybe after school one day?

21 A. Yeah.

22 Q. Yeah. So you had just come back from school, and there  
23 was, like, a police officer at your house?

24 A. Yeah.

25 Q. And then your grandmother was there also, right?



1 A. Yeah.

2 Q. You were probably pretty surprised to see a police officer  
3 there, right?

4 A. Yeah.

5 Q. Because you didn't think there was anything wrong at that  
6 time, right?

7 A. Yeah.

8 Q. Before that day, so before there was a police officer at  
9 your house, you never really spoke to your grandmother or your  
12:00 10 mother about anything involving Robert Rang, right?

11 A. Yeah.

12 Q. I think you said you used to play PlayStation a lot,  
13 right?

14 A. Yeah.

15 Q. And still do, I think, right?

16 A. Yeah.

17 Q. Did you ever -- you had some friends in Plymouth who also  
18 played PlayStation?

19 A. Yeah.

12:00 20 Q. Are these maybe friends you went to school with?

21 A. Yeah.

22 Q. Maybe some kids from around the block?

23 A. Yeah.

24 Q. Everyone had the same kind of system, the PS3, right?

25 A. Yeah.

1 Q. So anyone who had a PS3, you could play games with them,  
2 right?

3 A. Yeah.

4 Q. So let -- first of all, did you ever play PS3 with other  
5 people in the same room, other of your friends in the same  
6 room?

7 A. Yeah.

8 Q. So maybe sometimes they would come over to your house and  
9 play on your system?

12:00 10 A. Yeah.

11 Q. And maybe sometimes you'd go to their house and play on  
12 their system?

13 A. Yeah.

14 Q. And then I think you also said you could just play with  
15 other people anywhere in the world, right?

16 A. Yeah.

17 Q. Yeah. Did you have people you played with that, you know,  
18 anywhere in the world who -- sort of your friends on  
19 PlayStation but you didn't really know in real life?

12:01 20 A. Yeah.

21 Q. You know what I mean?

22 A. (Nodding.)

23 Q. Maybe people you would play with, certain games you would  
24 play with the same people, right, maybe talk to them while you  
25 play, things like that?

1 A. Yeah.

2 Q. I think at one point you also talked about that you were  
3 in a clan, right?

4 A. Yeah.

5 Q. Is that a common thing? Are there lots of different clans  
6 on PlayStation?

7 A. Yeah.

8 Q. Were you in more than one?

9 A. Yeah.

12:01 10 Q. How many clans were you in?

11 A. I was in, like ten.

12 Q. Ten clans, okay. How many people are in a clan?

13 A. Well, it depends how many people.

14 Q. What's the biggest clan you were in?

15 A. I'd say about, like, 20 members.

16 Q. Twenty, okay. What's the smallest clan you were in?

17 A. Like, three.

18 Q. Three, all right. Were these all different people in all  
19 these different clans?

12:02 20 A. Yeah.

21 Q. Did some of your friends, like, from school or from the  
22 neighborhood, were they in some of these clans with you?

23 A. Yeah.

24 Q. And then were there just a lot of people who maybe you  
25 didn't know in real life; you just knew from PlayStation?

1 A. Yeah.

2 Q. Yeah, okay. When you played in a clan, you guys are  
3 playing against other clans or other people, right?

4 A. Yeah.

5 Q. Yeah. So you could all talk to each other while you're  
6 playing against other people, right?

7 A. Uh-huh.

8 Q. Like, how many people can play at the same time in a clan?

9 A. Six.

12:02 10 Q. Six at a time. So if there's 20 people in the clan, they  
11 can't all play at the same time?

12 A. No.

13 Q. But the six people can all talk to each other, right?

14 A. Yeah.

15 Q. You're talking about strategy, right, just to figure out  
16 how to attack the other team and things like that, right?

17 A. Right.

18 Q. Sometimes people talk about other things that aren't even  
19 about the game, right?

12:03 20 A. Yeah.

21 Q. When you would play, let's say, in rrang's clan, would you  
22 guys play with more than just you and him, with other people,  
23 too?

24 A. No.

25 Q. No. You would only ever just with him?

1 A. Yeah.

2 Q. You had friends who were in that clan, right?

3 A. Yeah.

4 Q. Didn't you ever play with them?

5 A. No.

6 Q. No. Then you said you were in about ten clans; is that  
7 what I heard, right?

8 A. Yeah.

9 Q. How many clans was Rang in?

12:04 10 A. One.

11 Q. One. So nine clans weren't with him, right?

12 A. Yeah.

13 Q. Okay. And when you're playing any kind of game, whether  
14 you're with a clan or not a clan, sometimes people would --  
15 sometimes people could say some rude things, right?

16 A. Yeah.

17 Q. Sometimes you knew the people who were saying it and  
18 sometimes you didn't know, right?

19 A. Yeah.

12:04 20 Q. Sometimes people might say mean things to other players  
21 and maybe even to you, right?

22 A. Yeah.

23 Q. That was pretty normal for playing, right? You would hear  
24 people say all sorts of things that had nothing to do with the  
25 game, right?

1 A. Yeah.

2 Q. Including all the times -- whenever you played with any of  
3 your clans, right, people would talk in that way in any of the  
4 games you played?

5 A. Yeah.

6 Q. I bet probably your friends sometimes probably said some  
7 of those things too, right?

8 A. Yeah.

9 Q. Yeah. And I think you said that there's a way to report  
12:05 10 people if they say something or maybe cheat; you can report  
11 people at the PlayStation?

12 A. Yeah.

13 Q. Did you ever report anybody?

14 A. No.

15 Q. No. You talked a little bit about game sharing. I think  
16 you used the term "game sharing," right?

17 A. Yeah.

18 Q. In order to do that, you needed to know someone's  
19 password?

12:05 20 A. Yes.

21 Q. Did you know any of your friends' passwords? Would you  
22 game share with your friends?

23 A. Yeah.

24 Q. And did you ever give your passwords to your friends for  
25 them to use your stuff?

1 A. No.

2 Q. No, okay. But you had some of your other friends'  
3 passwords, right?

4 A. Yeah.

5 Q. Would you use it? Would you ever go log into your  
6 account, use it, and game share?

7 A. No.

8 Q. No. Did you do anything? Why did you have those  
9 passwords?

12:06 10 A. I don't know.

11 Q. You don't know, okay.

12 When any of your friends would come play with you,  
13 would they ever maybe use their passwords or accounts to play  
14 on your device?

15 A. No.

16 Q. Do you know what I mean? Like, they would log on as  
17 themselves?

18 A. Yeah.

19 Q. They wouldn't do that?

12:06 20 A. Yeah, they would.

21 Q. They would, okay.

22 Sometimes a friend would come and use his information  
23 on your device and then play his games, right?

24 A. Yeah.

25 Q. And you could play his games also?

1 A. No.

2 Q. I mean, when he was there with you.

3 A. No.

4 Q. No, okay.

5 Would you ever do that? Would you ever go and put  
6 your information on your friends' devices to go to your games?

7 A. Yeah.

8 Q. Sometimes, okay.

9 When you -- when you would put your information in  
12:06 10 someone else's devices, you could do anything that you could do  
11 at home, right?

12 A. Yeah.

13 Q. Right?

14 So, like, you could send a message from your -- you  
15 could send a message. You could search the internet. You  
16 could do all that on someone else's device, right?

17 A. Yeah.

18 Q. Now, the -- I want to ask you some questions about phone  
19 calls. So did -- I'm sorry if I didn't hear this correctly.  
12:07 20 Did you ever call from your house phone -- did you ever make  
21 calls to Rang?

22 A. Sometimes.

23 Q. Okay. Do you know if anyone else in your house did?

24 A. No.

25 Q. How many times, as best as you can think of, do you think



1     you made those calls?

2     A.    Like, twice.

3     Q.    Twice, okay.  If I were to say did you call 140 times?

4     A.    No.

5     Q.    No, okay.  You don't know if your mom ever made phone  
6     calls?

7     A.    No.

8     Q.    Did you ever talk to your mom about Rang?

9     A.    No.

12:08 10    Q.    No.  What about after the -- someone came to talk to you  
11     from the police, did you ever talk to your mom on the phone  
12     about it?

13    A.    No.

14    Q.    Not really?

15               What about your grandmother, you ever talk to her?

16    A.    Kind of.

17    Q.    Kind of.  Was that after she saw those messages?

18    A.    Yeah.

19    Q.    Okay.  But before that, did you ever talk to her about it?

12:08 20    A.    No.

21    Q.    What about your dad, did you ever talk with your dad about  
22     it?

23    A.    No.

24    Q.    No?

25    A.    No.

1 Q. By the way, was your dad the one who helped you put the  
2 TextNow on your phone?

3 A. No.

4 Q. No. Did you do it by yourself?

5 A. No.

6 Q. So how did you actually -- how did it get on your phone?  
7 I'm sorry. I keep saying phone. I mean iPod.

8 A. I downloaded it.

9 Q. So you were able to do that?

12:08 10 A. Yeah.

11 Q. You could go to the app store and download the TextNow  
12 choice, right?

13 A. Yeah.

14 Q. And then did you have to do anything to set it up?

15 A. Yeah.

16 Q. What did you have to do?

17 A. You had to sign in.

18 Q. Okay. You need, like, a name and a password for that?

19 A. Yeah.

12:09 20 Q. And did your dad help you with that?

21 A. No.

22 Q. You did that by yourself?

23 A. Yeah.

24 Q. Did your dad know you had the TextNow?

25 A. No.

1 Q. No. That iPod, you said you got it for Christmas?

2 A. Yeah.

3 Q. So you had that iPod for a long time, right?

4 A. Yeah.

5 Q. Did you ever used to send messages to other people, so not  
6 the TextNow but just through the messages on the iPod?

7 A. What do you mean?

8 Q. So on that iPod, you could send messages to other people  
9 who had an iPhone or Apple, right?

12:10 10 A. Yeah.

11 Q. Did you ever do that?

12 A. Yeah.

13 Q. You did, okay. You probably were doing that as soon as  
14 you got it back in Christmas, right?

15 A. Yeah.

16 Q. So you said you never really talked to your mom about  
17 anything -- about Robert, right?

18 A. No.

19 Q. No. Did you ever talk to your mom or dad or anybody  
12:10 20 really, like, when you would get a gift card? Would you tell  
21 them that you had that?

22 A. No.

23 Q. No. When you downloaded games or stuff, you just did that  
24 on your own?

25 A. Yeah.

1 Q. Did anyone else ever use your iPod? Did you ever, like,  
2 lend it to a friend or family or anyone to play with it?

3 A. No.

4 Q. Where would you keep it?

5 A. In my room.

6 Q. It's not something you took to your friends' house or to  
7 school or anything?

8 A. No.

9 MR. TENNEN: Can I just have a second, your Honor?

12:11 10 THE COURT: Yes.

11 Q. So the first time that you really talked to anyone about  
12 Rang was when the police officer came to your house that day,  
13 right?

14 A. Yeah.

15 Q. Yeah?

16 A. Yeah.

17 Q. Probably the next time you really talked about it was when  
18 another police officer asked you questions about it, right?

19 A. Yeah.

12:12 20 Q. More than one police officer asked you some questions  
21 about it, right?

22 A. Yeah.

23 Q. Do you remember how many times police officers asked you  
24 questions about it?

25 A. No.

1 Q. No. More than -- a couple times, right?

2 A. Yeah.

3 Q. And then you talked about it again, I think you said,  
4 maybe four times or so with some of the attorneys here, right?

5 A. Yeah.

6 Q. Just kind of getting ready to come to court today, right?

7 A. Yeah.

8 Q. Other than that, you didn't really talk with your mom  
9 about it, right?

12:12 10 A. No.

11 Q. Didn't really talk with your dad about it, right?

12 A. No.

13 Q. Didn't really talk with your grandparents about it, right?

14 A. No.

15 Q. Did you ever talk to any of your friends about any of it?

16 A. No.

17 MR. TENNEN: Nothing further, your Honor.

18 THE COURT: Any redirect?

19 MS. PARUTI: No, no further questions.

12:13 20 THE COURT: Okay. You can step down. Thank you. All  
21 done.

22 MR. TOBIN: Your Honor, the United States rests.

23 THE COURT: Okay. Let's go to sidebar for a minute.

24 (SIDEBAR CONFERENCE AS FOLLOWS:

25 THE COURT: I do want to clean up the record. The

1 last time we were here at sidebar, the government said that the  
2 question was withdrawn before the court reporter got a chance  
3 to set up. So I just wanted to make that -- put that on the  
4 record.

5 You prepared to proceed with Dr. Pivovarova?

6 MR. TENNEN: Yes. She's outside.

7 THE COURT: Okay.

8 . . . END OF SIDEBAR CONFERENCE.)

9 THE COURT: You may remember. We've taken things a  
12:14 10 little out of order. We will continue with the defendant's  
11 case. You can call your next witness.

12 MR. TENNEN: Dr. Ekaterina Pivovarova.

13 EKATERINA PIVOVAROVA, Sworn

14 THE CLERK: Please state your name for the record,  
15 spelling your last name.

16 THE WITNESS: It's Ekaterina, E-k-a-t-e-r-i-n-a;  
17 Pivovarova, P-i-v-o-v-a-r-o-v-a.

18 THE CLERK: Thank you. You can have a seat.

19 DIRECT EXAMINATION BY MR. TENNEN:

12:15 20 Q. Thank you. Good afternoon, Doctor. Can you tell the jury  
21 what you do?

22 A. Yes. I am a forensic clinical psychologist. That means  
23 that I am a clinical psychologist by training, and my  
24 particular focus is in working with individuals who are somehow  
25 involved with the criminal justice system.

1 Q. Can you give the jury just a general sense of your  
2 educational background?

3 A. Yes, absolutely. I have a Ph.D. in clinical psychology.  
4 I received my doctorate at Fordham University in New York.  
5 While there, I focused in forensic psychology, again, to obtain  
6 specialized training in psycho/legal questions. So that meant  
7 that all of the clinical training that I received while in  
8 graduate school, really subsequent to graduate school, was  
9 focused on questions that are often brought up in legal  
10 settings so psychological questions or psychiatric questions  
11 that often come up in legal settings.

12 While there I first obtained a master's, then my Ph.D.  
13 I focused on clinical training and then completed an  
14 internship, which is the last part of a clinical Ph.D., very  
15 similar to what you might do in medical school, with is that  
16 first year of training where you're working on your own, almost  
17 independent of others, at Bellevue Hospital in New York City  
18 and specifically on the Forensic Unit which focused -- which  
19 looked at individuals who were in the criminal justice system  
20 in New York City and also had very severe psychiatric disorders  
21 and could not be treated at the medical center at Rikers Island  
22 or other parts of New York.

23 After completing my clinical training, as part of my  
24 Ph.D., which is called an internship, I then went on to  
25 complete a postdoctoral training at University of Massachusetts

1 Medical School. And while there, I also focused on  
2 psycho/legal issues. I worked in different clinics or court  
3 clinics around the state. I conducted evaluations where I  
4 looked at questions of whether someone is competent or capable  
5 of understanding what's going on at trial, prior to trial,  
6 during sentencing. I also answered questions of risk  
7 assessment. Is this individual able to proceed with leaving a  
8 particular facility, going from a secure facility to a less  
9 secure facility or being out in the community. Similarly, I  
10 answered questions about insanity, whether someone understood  
11 what was going on at the time of the offense and whether their  
12 psychological or psychiatric problems affected them.

13 So I did this type of work for a year. This was my  
14 clinical postdoctoral training. Afterwards, I went on to do a  
15 research postdoctoral training over at Harvard University and  
16 Massachusetts General Hospital, the Center for Law, Brain and  
17 Behavior. While there, I looked at questions of new technology  
18 and how that's impacting individuals who are in the legal  
19 system so things like neuroimaging and what does all that new  
20 technology do to some very old, long-standing questions that we  
21 have in the psycho/legal system.

22 After completing that postdoctoral training, I went on  
23 to become an assistant professor of psychiatry at University of  
24 Massachusetts Medical School, which is where I still am since  
25 2014. I have been licensed as a clinical psychologist in the



1 state of Massachusetts, specifically focusing on forensic  
2 questions so questions dealing with law.

3 Q. So in your present capacity or your present position, do  
4 you only do evaluations, or do you do other things also?

5 A. No. So I do multiple things. In my job as a assistant  
6 professor of psychiatry at UMass. Medical School, I am a  
7 researcher full time. So I do investigations on two topics.  
8 Specifically, one topic is bioethics in research. So what are  
9 some guidelines and ethics that we have to make sure that  
10 people who participate in research trials are treated fairly  
11 and are not harmed.

12 The second area of research that I'm working on is  
13 trying to understand how we can improve treatment programs for  
14 individuals who have severe substance use. And to do that, I  
15 work specifically with drug treatment courts which are  
16 specialty courts around the state. Additionally, I do some  
17 teaching, some lectures, both here in Massachusetts, around the  
18 country at different programs and also at times internationally  
19 so giving grand rounds, which is something that is often in  
20 medical schools or hospitals. It's a standard training that  
21 people who participate in training there will receive about  
22 once a month.

23 Q. Have you ever published any articles in any peer-reviewed  
24 journals?

25 A. I have. I've published a number, most recently about two

1 months ago, in the *Journal of American Medical Association*,  
2 speaking to the issue of guidelines around research for  
3 participants who are engaged in clinical trials.

4 Q. Are you a member of any organizations?

5 A. Yeah. I am a member of a number of organizations, all of  
6 them related to the type of work that I do. So this includes a  
7 member of the American Psychology Law Society, which is a  
8 subdivision of American Psychological Association. I'm also a  
9 member of the Massachusetts Psychological Association,  
10 International Association of Forensic Mental Health, a number  
11 of other organizations, Association For Women in Science, and  
12 I'm also on the executive board of a number of other  
13 organizations.

14 Q. Now, in your either educational background or just your  
15 post-educational work, have you ever worked in any capacity  
16 with persons who have cognitive limitations?

17 A. I have, yes.

18 Q. I know that's a broad term. We'll define that in a little  
19 bit. Can you give the jury just a sense of, if you haven't  
12:22 20 already described it, what that work has been like?

21 A. Absolutely. Cognitive limitations, which is a really  
22 broad umbrella term and includes many different disorders and  
23 symptoms under which I can speak to a little bit later. It's  
24 incredibly common in settings like the criminal justice  
25 settings. It's very important to understand how those things

1 impact individuals who are involved in the criminal justice  
2 system. I'd say I started working with people who have some  
3 sort of cognitive limitations from the very first day that I  
4 received training in and since then have conducted evaluations  
5 on my own and worked independently in the field.

6 Q. Okay. So let's talk about that now. What is a cognitive  
7 limitation? I know it's a broad term. How do you, as a  
8 psychologist, understand that?

9 A. Cognitive limitations is a general term that many of you  
10 have probably heard both on TV and from just generally the  
11 public often uses it to describe a number of different things.  
12 And it could be disorders like intellectual disability, which  
13 was formally referred to as mental retardation. It could also  
14 include things like learning disabilities so an individual who  
15 might have problems doing particular type of academic work that  
16 then impacts other aspects of their lives. Cognitive  
17 limitations include things like ADHD, which is a specific  
18 disorder that has to do with deficits or problems in attending  
19 to a particular topic or difficulties controlling impulsivity.  
12:23 20 It also includes things like cognitive disorders related to  
21 dementia, Alzheimer's, and other problems like that. So it's  
22 very, very broad.

23 Perhaps what's most relevant here are disorders that  
24 are described as neurodevelopmental disorders. And these are  
25 disorders that tend to start from a very early age, so

1 oftentimes show up before the age of two, and are lifelong.  
2 The course is essentially the same. Once they start, they  
3 don't necessarily vary in severity of the symptoms or how they  
4 present across the years.

5 And these often fall under cognitive limitations  
6 because there are limits or problems that individuals will have  
7 with their thinking, their reasoning about things, their  
8 ability to relate to others, and also just engage on a  
9 day-to-day basis. And perhaps most importantly, what  
10:24 10 classifies a disorder, something like a symptom, from general  
11 functioning, from general being that all of us experience,  
12 problems that we may have, is that it impairs a person's way of  
13 being so it significantly impairs them. It's not just it's a  
14 single problem that you can't remember something that day.  
15 It's something where that memory factor, difficulties with that  
16 memory, affects many aspects of one's life including  
17 potentially engaging with friends, working, being able to go to  
18 school or perform well on tests that would be necessary to get  
19 a certain type of education.

10:25 20 Q. How are these limitations detected?

21 A. So the limitations can be detected a number of ways.  
22 Usually, we think about it as requiring comprehensive way of  
23 obtaining information. So the first piece is usually to  
24 observe the individual and see how those limitations, potential  
25 limitations, are presented in that person.

1           The second part is often doing an interview so seeing,  
2   when you ask a person questions, how do they describe the  
3   problems that they may be having.

4           The third is to do psychological testing so specific  
5   tests that have been designed to identify problems that people  
6   have, not just very broadly but in that particular area. So  
7   let's say the question is about memory. The test would be  
8   designed to detect memory problems relative to what we would  
9   consider normal or other, most individuals, how would we expect  
12:26 10   them to do on memory tests.

11           The fourth part is really to try to get collateral  
12   information, and collateral information is important because it  
13   helps to understand if a person doesn't necessarily have good  
14   insight or understanding of their own condition. Can other  
15   people describe to the psychologist or the evaluator what those  
16   problems look like.

17           So once you have those four pieces of data -- and,  
18   again, that would be observations, clinical interviews,  
19   psychological testing, and some collateral information -- you  
12:27 20   can take all of that and make a determination about not just  
21   what the cognitive limitation is more generally or determine  
22   the term that's used colloquially, more specifically. How does  
23   this relate to the specific conditions that we have, diseases,  
24   psychological diseases or symptoms that we know of.

25   Q.   Can these conditions -- once they're sort of observed and

1 detected, can they be treated or changed in any way?

2 A. So, unfortunately, most of the time we think of them as  
3 lifelong conditions that do not go away, that remain, as I  
4 mentioned, that they develop very early on. We often observe  
5 symptoms as early as two years of age, and we expect a lifelong  
6 course. The only exception would be is if, for some reason,  
7 these conditions developed as a result of some sort of injury  
8 to the brain so traumatic brain injury where an individual  
9 might have been unconscious for a couple of days. They might  
10 experience some cognitive limitation afterwards, but after that  
11 they might get a lot better. So that's very unique, but that's  
12 something that we see in neurodevelopmental conditions like  
13 intellectual disability.

14 Q. Do these -- if someone has other psychological conditions,  
15 are there other kinds of conditions that might interact with a  
16 cognitive limitation and impact that limitation in some way?

17 A. Yes, absolutely. So one of the difficulties that we find  
18 is that individuals who have cognitive limitations often have  
19 other psychological disorders. Now, in part, some of these  
20 limitations could be due to the disorder, but we often see that  
21 there's comorbid or co-occurrence of different disorders. So  
22 intellectual disability very frequently co-occurs with  
23 attention deficit hyperactivity, co-occurs with other disorders  
24 that might be related to personality or mood like depression or  
25 anxiety. And it's that combination that's often really

1     problematic because the symptoms that are related to cognitive  
2     or thinking processes could become worse when symptoms of  
3     severe mental illness like, let's say, depression become very  
4     acute. So individuals who are experiencing an episode of  
5     depression, when their mood is especially bad for a prolonged  
6     period of time, will often report difficulties with memory or  
7     attending to things that are happening to them.

8             Now, what's important is, as I mentioned, the  
9     functional piece before, is that we all experience depressed  
12:29 10    mood sometimes just like we all experience difficulties with  
11    memory. But individuals who are diagnosed and have symptoms of  
12    intellectual disability or other disorders as well as things  
13    like depression, anxiety, possibly ADHD, these are things that  
14    affect them in many, many different ways. So it might not just  
15    be for work. It might be work, social, being able to take care  
16    of themselves. When those conditions combine, which,  
17    unfortunately, as I said, is often, it's difficult to both  
18    treat the underlying conditions so, say, depression, but also  
19    to try to understand what's happening with the person with  
12:30 20    their cognitive limitations.

21    Q.    Okay. So I want to ask you now some questions specific to  
22    Robert Rang with that background in mind.

23             First of all, did I ask you to conduct an evaluation  
24    of Mr. Rang?

25    A.    You did, yes.

1 Q. In doing that, were you able to draw conclusions, have an  
2 opinion, about whether he had any cognitive limitations and the  
3 degree to which he has those?

4 A. Yes.

5 Q. And what sort of impact they have on his functioning?

6 A. Yes.

7 Q. Just by way of background, can you tell the jury  
8 generally, not too specific, generally, what information did  
9 you use to get to that point?

12:30 10 A. Absolutely. So I did a number of things. The first was  
11 that I reviewed a number of records that were available. These  
12 records included educational data. It included other  
13 psychological reports, reports for disability evaluations. I  
14 also observed Mr. Rang and -- interacting with his attorney,  
15 and then I conducted an interview with him over two different  
16 dates that took about six hours.

17 So the reason for doing it over two different dates is  
18 to see if there are any differences in presentation. At times,  
19 just getting a snapshot of what an individual might look like  
12:31 20 at one time might not say much about what they look like at a  
21 different time. So the idea would be to try to compare those  
22 two, see how they look, if there are similarities in  
23 presentations.

24 Q. Did you do any independent testing yourself?

25 A. I did not.



1 Q. Why not?

2 A. I did not do any independent psychological testing, in  
3 part, because -- well, due to the fact that he's had a ton of  
4 psychological testing already conducted. All of that testing  
5 has been really consistent. So he was first evaluated for  
6 school dating back to 1999. He has been in special education  
7 since, I believe, third grade; but prior to that, he had been  
8 observed. So since 1999, there has been multiple, multiple  
9 testing that has been done, usually in educational settings.  
10 People who receive special education services will be tested  
11 once a year, possibly once every two years, depending on the  
12 school system.

13 After he graduated high school, he has been tested  
14 again many different times for disability evaluations. And  
15 most recently he was tested again in 2015 related to this case  
16 where, again, the testing -- very similar testing that was  
17 conducted during schooling and afterwards was conducted. And,  
18 as I say, all of the testing seemed to suggest the exact same  
19 thing, is that there were a number of limitations. So as a  
20 result it is unnecessary to conduct additional testing that  
21 would indicate very much the same thing that has been conducted  
22 over ten different times before.

23 Q. Is that typical when you do these kinds of evaluations,  
24 that you don't do testing yourself, that you rely on other  
25 testing?

1 A. Yes, absolutely. The idea is to build on information that  
2 is available. You don't want the individual to have to take  
3 unnecessary tests. You also don't want to waste the court's  
4 time or anyone else's in providing -- in asking for information  
5 that one already has. If there's a reason to suspect that at a  
6 particular point -- for instance, if I suspected that he looked  
7 significantly worse than he had in the previous evaluations  
8 that I read, I might have considered testing. But we generally  
9 build on information that is provided by other psychologists  
10 and other evaluators so as not to reinvent the wheel.

11 Q. You did mention in this evaluation you met with him twice,  
12 interviewed him twice, right?

13 A. That's correct, yes.

14 Q. When you interview someone, are you ever concerned that  
15 they're lying to you or trying to make themselves look better  
16 in some way?

17 A. Yes. That is something that an evaluator must consider  
18 any time they do an evaluation in psychological settings. That  
19 is because there's a potential motivation both to increase  
20 their symptoms or play them up or downplay them depending on  
21 the goal of that. In fact, I specialize in detection of  
22 malingering, which is feigning of psychiatric symptoms. That's  
23 what I did my dissertation research on and have been doing some  
24 research on since then.

25 Q. Let's talk a little bit about some of your conclusions in

1 this case. We already know that the word cognitive limitations  
2 is broad. So as to Robert Rang, can you describe what, in your  
3 opinion, are his specific limitations?

4 A. Yeah, absolutely. So dating back to 1999 when he was  
5 first evaluated using standardized intelligence testing, he has  
6 been identified as having borderline intellectual functioning.  
7 That is something that has been consistently found since then  
8 and something that I also observed, which was indicated based  
9 on his engagement with me.

12:35 10 So borderline intellectual functioning means that, if  
11 you give someone an I.Q. test and you observe them, what you  
12 find is that, compared to other individuals so compared to the  
13 general group, they tend to do about two standard deviations,  
14 or around there, worse than other -- than most people.

15 So specifically for him, he has been evaluated using  
16 the Wechsler intelligence test, which is a standard test. He's  
17 been evaluated on this sort of child and adult versions a  
18 number of times. And we expect that the majority of the  
19 population would score about 100, going somewhere between 85  
12:36 20 and 115. That's sort of the normal range. So most people,  
21 about 50 to 65 percent of the population, would fall in that.  
22 Then we have individuals who score that one standard deviation  
23 away, meaning this is the next gradual step that we often see.  
24 So Mr. Rang has consistently fallen in that second and third  
25 range, which is that his score has generally been between 65

1 and 75 so suggesting that he is in the fourth percentile of all  
2 individuals who have taken this test and whose intelligence is  
3 estimated.

4 Just to sort of rephrase that, that means his  
5 performance on this standardized intelligence test that has  
6 been used across multiple populations, including culturally  
7 different populations, those with different educations, those  
8 with other problems, he performs worse than 96 percent of other  
9 people who have taken this test.

12:37 10 Now, what we find is only one percent of the  
11 population will perform somewhere below 70 percent, and they  
12 would often meet criteria for an intellectual disability. He's  
13 falling a little bit out of that range. At times, he's  
14 performed in the I.Q. going from 65 to 75, which is very  
15 normal. We expect about a five point, plus or minus, for his  
16 score to fall about, plus or minus, five points because of how  
17 the test is structured.

18 In other words, what that means is, when he's taken an  
19 I.Q. test, he has consistently performed worse than many, many  
12:38 20 people in the population, which indicates that he has some  
21 global problems. I just want to explain what some of those  
22 problems are.

23 Q. Can I pause you for a second before you explain that?

24 A. Absolutely.

25 Q. Just in terms of what you just said, is this the kind of

1 -- does that suggest that is one of those lifelong limitations?

2 A. Yes, absolutely. We expect the I.Q. of someone's  
3 intelligence, which in the past is captured by an intelligence  
4 test, to remain fairly the same, regardless of what type of  
5 education they get, if it's low. So someone who starts out  
6 with a high I.Q. and has some sort of a trauma to the brain,  
7 their I.Q. might drop, just like if someone with a lower I.Q.  
8 But we don't generally see differences in childhood I.Q. from  
9 someone who starts out as a kid who is a 65 or 70 to then grow  
12:39 10 up and their adult I.Q. score to be significantly different.

11 More importantly, we very rarely see differences once  
12 they're an adult and have an I.Q. -- a particular I.Q. score  
13 for that to change across the years. There might be a slight  
14 drop-off once people get older because memory affects  
15 intelligence, and that's one component, but that's often much,  
16 much later on.

17 Q. Do you have any idea how this was acquired and how he  
18 acquired these limitations?

19 A. Yeah. So, unfortunately, we don't know the basis of  
12:39 20 intellectual disorders and other cognitive limitations. We  
21 talk about those being multifactorial. Most of them are some  
22 combination of genetic background, potential in utero damage,  
23 even something like exposure to toxins, whether it be  
24 cigarettes or alcohol, or something as simple as a cold or  
25 illness the mother might have. We also often see, during the

1 birth of a child, there might be some sort of trauma to the  
2 brain that then produces lifelong problems.

3 But really, mostly, it's a combination of some sort of  
4 a genetic background with environmental factors. Some  
5 environmental factors could be the way that he engages with  
6 others in sort of limited ability to go to a school that really  
7 pushes him, or it could be things like very early exposure to  
8 drugs and alcohol. All of these factors contribute to it. We  
9 do not have an answer to intellectual disability to really any  
10 other disorder, diagnostic disorder, for what is the cause of  
11 that. There's only one disorder that we specifically know the  
12 cause of, and that is posttraumatic stress disorder because the  
13 cause of posttraumatic stress disorder must be a particular  
14 trauma. But every other disorder, including intellectual  
15 disabilities and other cognitive limitations are multifactorial  
16 and almost impossible to determine.

17 Q. Coming back to Mr. Rang, so given his limitations, is he  
18 capable of learning? Let's start there.

19 A. Yes, he's capable of learning.

12:41 20 Q. And so what can he learn and how can he learn?

21 A. So the way that Mr. Rang presents, based on my evaluation,  
22 records, his report, is that he's often able to learn with  
23 support, and this has worked well when he was in school. He's  
24 received a number of different supports, including special  
25 education, being in specialty classrooms. What's notable is

1 that, despite receiving these social -- these supports from the  
2 school, his academic performance was still fairly low. That's  
3 something that we often find, is that even though people who  
4 have these limitations will get all of the services that are  
5 out there. The performance doesn't necessarily increase so  
6 much because there's just innate limitations about how much  
7 they can accomplish.

8 And I think one of the those examples was from one of  
9 his -- probably one of the last evaluations that he had while  
10 he was in high school. I believe he was in the eleventh grade.  
11 I could double-check my report. And he was evaluated. What  
12 they found was that his reading skills and his math skills,  
13 despite all of these services that he was receiving, that he  
14 was active and participated and his family was very active in  
15 getting these services, he still performed at, like, a fifth,  
16 sixth, and seventh grade level despite all of his sources.  
17 That's what we would expect. We would expect that someone can  
18 learn, but there's a fair bit of limitation about how far they  
19 can go in their learning.

12:42 20 Q. Now, in terms of other ways that his limitations might  
21 impact him, let's start with decision making. Are you able to  
22 draw any conclusions about that?

23 MR. TOBIN: Objection.

24 THE COURT: Sidebar, please.

25 (SIDEBAR CONFERENCE AS FOLLOWS:

1 THE COURT: This witness is being allowed in for a  
2 limited purpose, which is to allow the jury to weigh the  
3 statement made to the police, correct? Is there some other  
4 purpose?

5 MR. TENNEN: And just generally his decision making.

6 THE COURT: No. Generally his decision making would  
7 be that you are suggesting she's being introduced to excuse or  
8 suggest that actions that were taken are not --

9 MR. TENNEN: No, no.

12:43 10 THE COURT: -- something for which he could be found  
11 culpable. And it's not allowed for that.

12 MR. TENNEN: No, sorry. I'm not -- let me state it  
13 differently, I guess. So anything in terms of -- anyway this  
14 impacts --

15 THE COURT: Only as to the statement. So I am going  
16 to give a limiting instruction that this testimony is to allow  
17 them to evaluate his statements in his interview. And I'd like  
18 you to focus the questions towards that and not to general  
19 decision making.

12:44 20 MR. TENNEN: But it has to be applicable in a broader  
21 way. For example, she talks about -- she will talk about very  
22 concrete -- how he perceives things that are told to him and  
23 he's unable to think of --

24 THE COURT: That's a different question than decision  
25 making.



1 MR. TENNEN: I know. For example, that goes beyond  
2 the interview. That goes from, anyone telling him something,  
3 how he perceives that.

4 THE COURT: It's the opposite of what you're saying.  
5 It's not that -- because of something that could be relevant.  
6 It's the opposite. You can ask the questions to get to how he  
7 could understand things in an interview. You can get towards  
8 that. You can't just ask this general decision making.

9 MR. TOBIN: Your Honor, if I may as well. I think our  
12:45 10 objection perhaps goes a little further than that in that we  
11 asked repeatedly what was going to be her testimony, and we  
12 were told repeatedly, essentially, she's going to testify  
13 consistent with her report. So once we start getting questions  
14 that don't appear -- or answers that don't appear in the  
15 report, then I would object and be troubled. I mean, if you  
16 are -- if he's going to be asking about decision making, I  
17 don't see anything in the report. If he can point me to where  
18 it talks about --

19 MR. TENNEN: It may have been a bad question. Maybe  
12:46 20 I'll lead a little more -- not lead but more pointed questions.

21 THE COURT: Just more pointed questions.

22 . . . END OF SIDEBAR CONFERENCE.)

23 Q. Let me ask that differently.

24 THE COURT: Let me first just instruct the jury. This  
25 witness is testifying for a limited purpose, and that is, to

1 help you evaluate the statements that Mr. Rang made to the  
2 postal inspectors in their interview of him. And so for you to  
3 understand -- in order for you to understand that, the  
4 defendant is allowed to put on some evidence about how he may  
5 have perceived or understood the things that were said there.  
6 That's what this is limited to. So try your question again.

7 MR. TENNEN: Sure.

8 Q. Were you able to form an opinion about how his  
9 limitations -- let's start with this -- allow him to process  
10 information?

11 A. Yes.

12 MR. TOBIN: Objection.

13 THE COURT: I think this might take us a little bit  
14 more time than we're going to be doing while on break, and  
15 we're not going to finish her testimony in the next 12 minutes,  
16 in any event. I think what I'm going to do is let the jury go  
17 home 12 minutes early. And tomorrow we'll start promptly at 9.  
18 You should plan on being here all day tomorrow if it's  
19 possible. This case will get to you tomorrow, correct? Is  
20 that -- is that not likely?

21 MR. TENNEN: It's very likely.

22 THE COURT: It may go to you all day. It may not get  
23 to you all day, but be prepared in case we're ready to go.

24 With that, rise -- let me give you my instructions one  
25 more time. It was a long weekend. Do not talk among

1 yourselves about the case or about anyone involved with it. Do  
2 not talk with anyone else about the case. Do not mention this  
3 case or discuss it in any way. Do not post anything about the  
4 case. Do not let anyone else talk to you about the case. Do  
5 not read any news stories or do any research about the case.  
6 And see you tomorrow morning at -- we'll start at 9.

7 THE CLERK: All rise for the jury.

8 (The jury left the courtroom at 12:50 p.m.)

9 THE COURT: I guess we'll have the witness step down,  
10 and we will come back tomorrow.

11 MR. TENNEN: Does it make sense for her to stay and  
12 hear whatever limitations you're going --

13 THE COURT: No. I think it would be better for us to  
14 have a discussion.

15 MR. TENNEN: Okay.

16 (The witness was excused.)

17 THE COURT: So a little difficult to hear because we  
18 got to this place because the person who had offered an opinion  
19 regarding the defendant's reasoning and understanding of  
12:50 20 questions, et cetera, was Dr. Leveroni. And because of the  
21 scheduling, you offered her deposition testimony. The  
22 government objected on the grounds that she wasn't truly  
23 unavailable and that they would have cross-examined differently  
24 had that been a trial examination.

25 That said, it is not at all clear to me that either

1 party would be prejudiced to instead, as to -- I mean, this  
2 report does not get into the details as her own opinion of Dr.  
3 Leveroni's. That said, it does recite Dr. Leveroni's opinion.  
4 It just seems like we're somewhat in a circle here, and both  
5 sides may be fairly served by having the redacted portion of  
6 the deposition instead of this testimony. I understand that  
7 wasn't my ruling, but the alternative of having her testify as  
8 to Dr. Leveroni's conclusions, which is essentially where  
9 you're going with this, seems a little bit less valuable --

12:51 10 MR. TENNEN: There's --

11 THE COURT: -- or circular.

12 MR. TENNEN: But she also made her own observations to  
13 corroborate that and --

14 THE COURT: But she didn't put it in a report.

15 MR. TENNEN: She --

16 THE COURT: She put in her report Dr. Leveroni's  
17 conclusions.

18 MR. TENNEN: Right.

19 THE COURT: Then she put her own conclusions, which is  
12:52 20 regarding -- at least I read her report as being -- that last  
21 paragraph being her conclusions. But maybe I'm misreading it.

22 MR. TENNEN: The problem is we know why she was  
23 initially brought on, but it doesn't mean that she doesn't hold  
24 the same conclusions Dr. Leveroni does, relying on her data  
25 plus the other data that she had that she described. So the

1 conclusion -- she didn't redraft her report. We took out the  
2 parts that didn't deal with this specifically, but her  
3 conclusion was the conclusion required for the Court. But it's  
4 based on what she understands about his cognitive issues.

5 THE COURT: So this is perhaps a matter of form, but  
6 we're somewhat stuck with this form, which is that they had a  
7 right to get an expert report. They got an expert report. It  
8 is the expert report that was prepared for a different issue  
9 and is excised. But their objection, as I understand it, is  
10 that we don't have her conclusions that you're now bringing  
11 out.

12 MR. TENNEN: They're no different -- they are  
13 essentially Dr. Leveroni's conclusions.

14 THE COURT: Are they in the report? I guess that's  
15 the issue.

16 MR. TENNEN: She adopts and quotes from Dr. Leveroni,  
17 and then the government has Dr. Leveroni's report and knows  
18 what -- that was said. So it's -- if you wanted her to  
19 literally write everything from Dr. Leveroni's, these are all  
20 the conclusions I agree with about his cognitive limitations, I  
21 suppose she could have done that. It seemed fairly obvious  
22 that she credited Dr. Leveroni's conclusions again and every  
23 other record leading up to this that more or less continue to  
24 say the same things, believes that -- she's adopted that as her  
25 opinion, meaning I believe these are credible; so I, therefore,

1 think I can talk about these limitations on him. I don't know  
2 how else to have -- I don't know how that's not clear, I guess,  
3 that she's being brought in to talk about that stuff, which has  
4 been well-documented well before she got into the case.

5 MR. TOBIN: Your Honor, we had no objection to her  
6 talking about the materials that she had reviewed that deal  
7 with his I.Q. or cognitive limitations. You'll note that the  
8 government didn't object about -- anything about what the I.Q.  
9 was, 65 to 75. Although she didn't give those tests, I think  
10 that's appropriate.

11 Really all I'm asking is this: If you're asking the  
12 witness a question, but more specifically, if she's going to  
13 give an answer, merely all I'm asking is: Where is it in this  
14 report? I remember one judge telling counsel that if it's not  
15 in the report, it's not going to the jury. I think that's a  
16 shorthand way of the report -- of the situation. I  
17 specifically said that we don't want to be surprised. We want  
18 to know what she's saying.

19 If it's here, if it's in this report, I just need to  
20 have it pointed out to me because Ms. Paruti and I went through  
21 it painstakingly. I think he's getting further afield that  
22 what we see in the report or any portion of the report.

23 THE COURT: Do you see the portion regarding the  
24 conclusions or the evaluation of Dr. Leveroni?

25 MR. TOBIN: I do. Can you just refresh my memory if

1       you have the page number.

2               MR. TENNEN:   It's 7 and 8.

3               MR. TOBIN:    I'm sorry?

4               MR. TENNEN:   Bottom of 7, top of 8.

5               MR. TOBIN:    Give me one second to refresh my memory.

6               Most of this just talks about borderline range I.Q.

7       The only line there that I would suggest would be inappropriate

8       from this witness would be, "Dr. Leveroni cautioned that

9       individuals interacting with him are likely to overestimate his

12:56 10       cognitive -- overestimate his cognitive abilities due to his

11       strong social skills, reasonable attention, and average

12       vocabulary level."   So everything else really just tracks with

13       what everybody has been saying since he was the beginning of

14       school.   The real question is:   How do we go from there to his

15       understanding or his reaction?

16               THE COURT:   Well, as to the one sentence that you

17       don't have an objection -- or that you would -- I'm not sure

18       the wording you used, but the one you just read, essentially

19       the defendant would like, I believe, as I'm understanding this

12:57 20       report -- I agree with you.   It is not completely clear.   But

21       that sentence and the indented paragraph before it, I think is

22       the information they're trying to get to the jury.

23               And if her testimony is Dr. Leveroni came to this

24       conclusion and I concurred with it based on my own interviews

25       of him, I don't -- it's a little bit stepping on formalities

1     that that's not in the conclusion. To the extent that then  
2     becomes a question of, well, maybe, Mr. Tennen should have  
3     asked for Dr. Leveroni -- subpoenaed her three months earlier  
4     so she didn't go on her vacation, to get it in that way. I'm  
5     not sure that that's particularly the record that serves any  
6     particular principle here.

7             So that being the paragraph -- if the testimony is  
8     essentially, you know, this is my conclusion also, is there a  
9     problem with that?

12:58 10            MR. TOBIN: One second, your Honor.

11            If that's what they're limited to or that's what they  
12     plan to do, that another doctor had this conclusion and I  
13     concur, we can accept that. But beyond that, if it's not in  
14     the report, I don't want her picking out things from Dr.  
15     Leveroni's report where Dr. Leveroni is not here other than  
16     that which she has cited.

17            THE COURT: Is there anything else that you want to  
18     get in?

19            MR. TENNEN: Well, I have to explain what this means,  
12:59 20     obviously. It's not just for her to read this paragraph and  
21     not explain what it means.

22            THE COURT: Well, explain what it means --

23            MR. TENNEN: So, for example, he has difficulties with  
24     higher order abstract reasoning. What does that mean? What is  
25     abstract reasoning? What's the opposite of -- meaning the



1 concrete thing. What does that mean? What does someone who --  
2 things like that. He's able to follow straightforward  
3 instructions. Okay. What's an example of a straightforward  
4 instruction? What do you mean by that? What kind of things  
5 can he do or not do. I have to elaborate on that a little bit.

6 THE COURT: She can interpret this for laypeople.

7 MR. TENNEN: Yes.

8 THE COURT: That's appropriate. She just can't give  
9 any conclusion beyond this.

01:00 10 MR. TENNEN: I don't think she has any conclusions  
11 beyond this. I thought the two questions I asked were trying  
12 to get to this. Maybe there's a better way to word it. It's  
13 not like we didn't talk about what she can testify to. So I  
14 tried to tell her, this is what we're basically talking about,  
15 the cognitive issues, the stuff from Dr. Leveroni and things  
16 related to that. That was my way of getting her to start  
17 talking about it. I can just -- I didn't want to mention Dr.  
18 Leveroni because I think I'm not allowed to on direct. So I  
19 was trying to comply with that.

01:01 20 THE COURT: Perhaps the most efficient way to do this  
21 would be to ask a directed question. You reviewed a lot of  
22 material. One of the materials was an evaluation done fairly  
23 recently. What was that evaluation, or what was that --

24 MR. TENNEN: What were the results?

25 THE COURT: The conclusion. Frankly, she's not a

1 concise witness. It may be less problematic to just have her  
2 read that portion and then ask her about her -- does she agree  
3 with that? Is that her opinion? Can you just tell the jury  
4 what does that mean in layperson's terms and leave it at that.  
5 Is there any objection to proceeding in that way?

6 MR. TOBIN: No, your Honor.

7 MR. TENNEN: Again, I was trying to -- that's what I'm  
8 trying to get to. I thought my questions were trying to get us  
9 there. I realize now they weren't.

01:02 10 THE COURT: So we will proceed in that manner in the  
11 morning. With that, I think it's time to take a lunch break,  
12 and we will be back here at 2:30 to discuss the charge.

13 Is there -- we need to order lunch for the jurors for  
14 tomorrow. It's all set.

15 There's no -- I couldn't tell, Mr. Tobin, if you were  
16 jumping up with an objection or simply to rise for the jury as  
17 I was talking about tomorrow's schedule.

18 MR. TOBIN: Oh, no, no, no. I think I was just rising  
19 for the jury.

01:02 20 THE COURT: Anticipating that they will go a full day  
21 tomorrow.

22 THE CLERK: Court is in recess. All rise.

23 (Whereupon, at 1:03 p.m. the trial recessed.)  
24  
25

C E R T I F I C A T E

I certify that the foregoing is a correct transcript  
of the record of proceedings in the above-entitled matter to  
the best of my skill and ability.

/s/Cheryl Dahlstrom

Cheryl Dahlstrom, RMR, CRR

Official Court Reporter

Dated: May 18, 2018